

RAELEAN McGEE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business  
as BOULEVARD BLACK ANGUS, also known as  
BLACK ANGUS MEATS, also known as  
BLACK ANGUS MEATS & SEAFOOD,  
ROBERT SEIBERT,  
DIANE SEIBERT,  
KEEGAN ROBERTS,

Defendants.

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Examination Before Trial of

RAELEAN McGEE, taken pursuant to the Federal Rules of Civil  
Procedure, in the law offices of GRECO TRAPP, PLLC, 1700  
Rand Building, 14 Lafayette Square, Buffalo, New York,  
taken on May 20, 2019, commencing at 9:28 A.M., before  
MARY ANN MORETTA, Notary Public.

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INDEX TO EXHIBITS

Exhibits	For Identification
295 and 296	two Subpoenas
	3

1 APPEARANCES:

2 GRECO TRAPP, PLLC,  
3 By JOSEPHINE A. GRECO, ESQ.,  
4 and EARL K. CANTWELL, III, ESQ.,  
5 1700 Rand Building,  
6 14 Lafayette Square,  
7 Buffalo, New York 14203,  
8 Appearing for the Plaintiff.

9 BARCLAY DAMON, LLP,  
10 By SARAH A. O'BRIEN, ESQ.,  
11 The Avant Building, Suite 1200,  
12 200 Delaware Avenue,  
13 Buffalo, New York 14202,  
14 Appearing for the Defendants.

15 PRESENT: Darcy Black  
16 Diane Seibert

17 (The following stipulations were entered  
18 into by both parties.)

19 It is hereby stipulated by and between counsel  
20 for the respective parties that the oath of the  
21 Referee is waived, that filing and certification  
22 of the transcript are waived, and that all  
23 objections, except as to the form of the  
questions, are reserved until the time of trial.

(Whereupon, two Subpoenas were then received  
and marked as Exhibits 295 and 296, for  
identification.)

1 MS. GRECO: Are you represented today by an  
2 attorney?

3 RAELEAN McGEE: No.

4 MS. GRECO: Okay. When a deposition is taken of  
5 someone's testimony in any lawsuit, the witness,  
6 especially if you don't have an attorney, has the  
7 right to decide to do one of two things with  
8 regards to the transcript. That's what she's  
9 typing up. Whatever we say, she is going to make  
10 a record of it. One is to ask for a copy to be  
11 sent to them, so they can read it. And there's  
12 something called an errata sheet. So if there  
13 are typographical errors or there is something  
14 that's not accurate as to what you said, you can  
15 make changes. And then you can sign it and send  
16 it back. The alternative is -- it's called read  
17 and sign. But you said you don't want to do  
18 that. Whatever it is, it's your choice.

19 RAELEAN McGEE: Okay. I'll do read and sign.

20 MS. GRECO: Okay.

21

22 R A E L E A N M C G E E,  
23 136 Northington Drive, East Amherst, New York 14051,

1                   after being duly called and sworn,  
2                   testified as follows:

3  
4 EXAMINATION BY MS. GRECO:

5  
6 Q. Okay. Miss McGee, I'm going to be asking you  
7 some questions today. I represent Darcy Black in  
8 a lawsuit that she has brought against Black  
9 Angus Meat. I'm going to try to ask the  
10 questions as clearly as possible, but I have some  
11 bad habits. I talk fast.

12 A. Uh-huh.

13 Q. Sometimes I use words that people really don't  
14 understand. It's not my intention. But if  
15 there's any of those things that happen, just ask  
16 me to rephrase the question or just say you don't  
17 understand or to slow down. The objective is for  
18 me to ask a question, you to understand it and  
19 answer it to the best of your ability.

20 A. Okay.

21 Q. Okay. And before coming here today, I -- well,  
22 you were served with an original Subpoena. Okay.  
23 Let me show you what's been marked as Exhibit 295

1           and ask if you were in receipt of that document?

2   A.   Yes.

3   Q.   Okay. And you have the original with you?

4   A.   I do.

5   Q.   All right.

6   A.   This one was -- I was served with a couple that  
7       were sent.

8   Q.   Right. So that was the first one. So 295 you  
9       have in your possession. Then after that, did  
10      you advise us that you had changed your address?

11   A.   Yes.

12   Q.   Okay. And did you have a telephone conversation  
13      with me?

14   A.   Yes.

15   Q.   Okay. And on how many occasions did we talk?

16   A.   Once.

17   Q.   And during that conversation, you told me that  
18      you were -- you had changed your address. You  
19      gave me the new address?

20   A.   Correct.

21   Q.   And did I also ask if you would want to meet with  
22      me?

23   A.   Correct.

1 Q. And you said?

2 A. No.

3 Q. And what did I tell you to do? I only wanted you  
4 to?

5 A. To tell the truth.

6 Q. All right. Let me show you what's been marked as  
7 296. Okay. And is that the second Subpoena that  
8 was served upon you with your -- it's an amended  
9 Subpoena served upon you with the correct  
10 address?

11 A. Not for certain. I don't have it on me, so I'm  
12 assuming.

13 Q. But is that your correct address?

14 A. Oh, yes. That's my address.

15 Q. And you do you recall being served with a second  
16 one?

17 A. That's correct.

18 Q. Okay. What's your date of birth?

19 A. July 10th, 1986.

20 Q. Okay. And can you tell me about your educational  
21 background?

22 A. Yes. I went to --

23 Q. Sorry. Strike that question.

1           Before coming here today, did you have any  
2           conversation with anyone regarding your  
3           deposition?

4   A.   Just you.

5   Q.   Did you speak with anybody from Black Angus Meat?

6   A.   Yes.   Actually, I did call Diane when I received  
7           the deposition.

8   Q.   Did you speak with anyone other than Diane?

9   A.   No.

10   Q.   Have you spoken with Diane's counsel for Black  
11           Angus Meat?

12   A.   I have not.

13   Q.   And was there anyone, other than Diane, you spoke  
14           to about your deposition?

15   A.   No.

16   Q.   And can you tell me -- you said you called Diane.  
17           Were you able to speak with her?

18   A.   Yes.

19   Q.   Can you tell me, as to the best of your  
20           recollection, what the conversation was?

21   A.   Sure.   I said that I received -- I got served a  
22           deposition and it was May 20th at nine-thirty.  
23           She said she wasn't aware of it, but she is sure

1 her attorney will let her know and I'll see you  
2 there.

3 Q. At any time from the time you stopped working at  
4 Black Angus Meat until the present, have you had  
5 any discussion with anyone from Black Angus Meat  
6 -- well, strike that.

7 Have you ever had any discussions with Diane  
8 Seibert, other than this one, regarding Darcy  
9 Black's lawsuit?

10 A. No.

11 Q. Have you ever had any discussion with anyone  
12 regarding Darcy Black's lawsuit?

13 A. No.

14 Q. So we were talking about your educational  
15 background.

16 A. Yes. I went to the Sweet Home School District.  
17 Then I went to Niagara University for my  
18 Bachelor's in hospitality and tourism.

19 Q. And what year did you graduate Sweet Home High  
20 School?

21 A. High school, I graduated in 2004.

22 Q. And what years did you attend Niagara University?

23 A. 2004 to 2008.

1 Q. Okay. And who are your parents?

2 A. Richard Rush Senior and Deborah Rush.

3 Q. And do you have any siblings?

4 A. Yes. I have an older sister, Rachel Green, and  
5 younger sisters, Regina Rush and Rebecca Rush,  
6 and a brother, Richard Rush Junior. Rachel Rush  
7 is now Green, though.

8 Q. And when did you first meet Diane Seibert?

9 A. I may have met her as a child. My family grew up  
10 with her, so I don't remember our first meeting.  
11 I don't remember.

12 Q. When you say your family grew up with her, what  
13 do you mean?

14 A. I mean, my father grew up with Bob in Iowa. And  
15 they came here to New York, so I'm not sure if I  
16 met them growing up or when I was older. I don't  
17 remember when I first met her.

18 Q. When you say they came, did Bob Seibert and your  
19 father move to Buffalo at the same time?

20 A. As far as I know, yeah.

21 Q. And do you know why they moved together at the  
22 same time?

23 A. To work. Work.

1 Q. Were they both in the same type of business in  
2 Iowa?

3 A. I don't know. I don't know what they did --

4 Q. All right.

5 A. -- in Iowa. I know they came here for the meat  
6 business.

7 Q. Is your father a butcher?

8 A. He used to be. Now he sells door-to-door meat.

9 Q. Okay. The meat industry?

10 A. Yes.

11 Q. And how long was your dad in the meat business  
12 before he went door to door?

13 A. I don't know.

14 Q. When you were in high school -- when you  
15 graduated high school in 2004, was your father  
16 still in the meat business?

17 A. Yes.

18 Q. Where was he working?

19 A. I remember -- I think he worked for himself,  
20 self-employed.

21 Q. Where was that, at home or --

22 A. Yes. He worked from home. Door to door with his  
23 meat truck.

1 Q. I'm not really understanding. Where would he get  
2 his meat products from?

3 A. From a wholesaler.

4 Q. And was that wholesaler Black Angus Meat?

5 A. No.

6 Q. Was there a time before he was going door to  
7 door, that you recall, when he was actually  
8 working at a location?

9 A. I don't remember.

10 Q. Do you ever remember him working at Black Angus  
11 Meat?

12 A. No, I don't remember that.

13 Q. When you say your family grew up together, did  
14 your family socialize with the Seiberts?

15 A. Yes.

16 Q. And can you describe how often that would be?

17 A. No. I was too young to remember growing up so --

18 Q. As you were a teenager, were you still  
19 socializing with them?

20 A. I would say occasionally. I mean, they would go  
21 into like the meat market and say hi, you know,  
22 to Bob and Diane. Maybe, if they had one of  
23 those big roasts or something at their house,

1       they would go over.

2       Q.   So when you say occasionally, it can mean once a  
3       month, it can mean once a year.

4       A.   Just maybe once a year.

5       Q.   Did anyone in your family work for Black Angus  
6       Meat other than you?

7       A.   Yes.

8       Q.   Who?

9       A.   My sister, Regina Rush.

10      Q.   Anyone else?

11      A.   If it was another one of my brothers or sisters,  
12      it wasn't too long. I can't remember if my  
13      brother worked there for a couple days or not.  
14      But it was me and Regina for a little bit.  
15      That's what I remember.

16      Q.   Okay. Did you work when you were in high school?

17      A.   I did.

18      Q.   Where did you work?

19      A.   My first job was at CMS, which is a collection  
20      agency, credit card sales.

21      Q.   Was that a summer job or did you work during the  
22      school year?

23      A.   I worked -- so I had -- during volleyball season,

1 fall, I wouldn't work. But then I would work all  
2 through the fall and the summer.

3 Q. Okay. And why did you leave there?

4 A. I don't remember.

5 Q. Where did you work after that -- or, what did you  
6 do there?

7 A. I did credit card sales.

8 Q. Did they have any training for employees there  
9 regarding discrimination or harassment?

10 A. I don't remember. I don't remember.

11 Q. Do you think if you had been to training on that,  
12 you would remember?

13 A. No.

14 Q. Okay. Where did you work after CMS?

15 A. I think it was Black Angus was my next employer.

16 Q. Okay. I'm going to show you what's been  
17 previously marked as Exhibit 104 and ask you if  
18 you recognize that document.

19 A. I do.

20 Q. Can you tell us what that document is?

21 A. It's my application for Black Angus.

22 Q. Could you take a moment to take a look at it.

23 A. Uh-huh.

1 Q. See if it helps refresh your recollection.

2 A. Right. For my job history?

3 Q. Just read through it, and then I'll ask you some  
4 questions.

5 A. Okay.

6 Q. Does that help refresh your recollection  
7 regarding your employment history?

8 A. Yes.

9 Q. Okay. So going back to CMS, is that Creative  
10 Marketing Strategies?

11 A. It is, yes.

12 Q. In your resume it indicates you worked there from  
13 when?

14 A. From June of 2004 to August of 2004.

15 Q. And is that -- does that refresh your  
16 recollection as to that's when you worked there?

17 A. Yes.

18 Q. It says you left for sports/school?

19 A. Yes.

20 Q. Is that what you were telling us about for  
21 volleyball?

22 A. Yes.

23 Q. Then it says you worked somewhere else. Where

1 was that?

2 A. Stereo Advantage.

3 Q. What did you do there?

4 A. I was a cafe worker, made drinks.

5 Q. At the collection agency, what were you?

6 A. I was a credit sales, telemarketer. Credit card  
7 sales.

8 Q. Okay. And at Stereo Advantage, how long did you  
9 work there?

10 A. Two months.

11 Q. Did the jobs overlap between Creative Marketing  
12 and Stereo Advantage?

13 A. Yes. Yes.

14 Q. Okay. And why did you leave Stereo Advantage?

15 A. Same reason, volleyball.

16 Q. And at Stereo Advantage, that's a national  
17 company, do you recall if they gave you any  
18 policies or procedures or training with regard to  
19 discrimination or harassment in the work  
20 environment?

21 A. I don't remember.

22 Q. Did you hold any management or supervisory  
23 position in either of those jobs?

1 A. No.

2 Q. Did you go straight through Niagara University  
3 full-time?

4 A. Yes.

5 Q. Did you work while you were at Niagara  
6 University?

7 A. In the volleyball off-season, yes.

8 Q. Were you a volleyball player at Niagara?

9 A. I was.

10 Q. What is the volleyball -- I should know this.  
11 What is the volleyball off-season?

12 A. So it's fall. It starts in August, is the  
13 preseason. And then it goes, depending on  
14 championships and that -- jeez, it's been so  
15 long -- before Christmas, I think.

16 Q. Okay. Would you not work at all between August  
17 and before Christmas when you were in college, or  
18 would you work depending on what your schedule  
19 was?

20 A. I think I took it completely off, but I may have  
21 taken -- I can't remember. If I could pick up a  
22 couple days here and there, I probably would, but  
23 I don't remember.

1 Q. Well, would you have worked on Saturdays?

2 A. That's usually when games are, so I would say no,  
3 but I don't remember a hundred percent.

4 Q. In the volleyball season, how many games would  
5 there be?

6 A. I would say forty.

7 Q. Would they always be on Saturdays or sporadic?

8 A. They would be Saturday, Sunday. We would play  
9 two different teams on the weekend and sometimes  
10 we would have weekday games.

11 Q. If it was a weekday, would that be at night?

12 A. Yes.

13 Q. So, generally, you would have games at night, if  
14 any?

15 A. Yes.

16 Q. And then on Saturday or Sunday?

17 A. Uh-huh. Afternoon games.

18 Q. And are you married?

19 A. Yes.

20 Q. To whom?

21 A. Shawn McGee.

22 Q. How long have you been married -- well, strike  
23 that. When did you get married?

1 A. I got married October 19th -- I'm sorry. October  
2 20th, 2014. Sorry.

3 Q. And how long had you been dating -- well, how  
4 long have you known Shawn McGee?

5 A. Eleven years. 2003.

6 Q. You knew him eleven years before you married him?

7 A. Uh-huh.

8 Q. So you've known him since 2003?

9 A. Correct. High school.

10 Q. High school?

11 A. Uh-huh.

12 Q. How long have you dated him?

13 A. Eleven years before marriage.

14 Q. Oh --

15 A. We started dating when we were a junior.

16 Q. In 2003?

17 A. Uh-huh.

18 Q. So is it fair to say he's been your boyfriend,  
19 subsequently husband, since 2003?

20 A. Yes.

21 Q. Now, this lawsuit is about race discrimination  
22 and sex discrimination. I'm going to ask you  
23 questions about individual's races and say words

1           that could be deemed offensive. But I have to  
2           use the words as a -- as we ask the questions, so  
3           we have the accurate information.

4   A.   Okay. I understand.

5   Q.   And what is your race?

6   A.   I'm Caucasian. I'm white.

7   Q.   Remember, the transcript doesn't take a picture.  
8           It only hears words.

9   A.   I'm sorry.

10   Q.   That's okay. But that's why I asked your race.

11   A.   Okay.

12   Q.   What is Shawn's race?

13   A.   He's black.

14   Q.   And do you have any children?

15   A.   I do.

16   Q.   How many?

17   A.   Two.

18   Q.   How old are they?

19   A.   Three years old and nine months.

20   Q.   Okay. How old -- what is the sex of the --  
21           what's the three-year-old's name?

22   A.   Maxima.

23   Q.   Sometimes that could be a boy or girl.

1 A. A boy.

2 Q. And the nine-month-old?

3 A. Zariah, Z-A-R-I-A-H.

4 Q. And --

5 A. Female.

6 Q. -- so we discussed two places that you worked  
7 prior to applying at Black Angus Meat, is that  
8 true?

9 A. Yes.

10 Q. Now, I would like to go to the time after Black  
11 Angus Meat, then we will come back.

12 During the time you were employed at Black  
13 Angus Meat, did you work anywhere else at the  
14 same time, if you recall?

15 A. No.

16 Q. And then after Black Angus Meat, where did you  
17 work?

18 A. Bank of America.

19 Q. When did you start working there?

20 A. I don't remember. It was after I graduated  
21 college.

22 Q. And you said you graduated college in --

23 A. 2008.

1 Q. 2008.

2 Did you go -- was there a time you continued  
3 to work at Black Angus Meat after you graduated  
4 college?

5 A. I don't remember. I think so. I don't remember.

6 Q. Okay. Did you -- was it the next place you  
7 worked after Black Angus Meat?

8 A. Yes.

9 Q. Okay. Did you take any time off from work  
10 between the time you last worked at Black Angus  
11 Meat and the time you started at Bank of America?

12 A. I don't believe so.

13 Q. What was your position at Bank of America?

14 A. Mortgage specialist.

15 Q. Okay. And I'm not sure if I asked. What was  
16 your degree in?

17 A. Hospitality and tourism.

18 Q. So how did you end up at Bank of America?

19 A. Just an open interview, job searching.

20 Q. And what's a mortgage specialist?

21 A. Customer service. I was an inbound call center  
22 for Bank of America mortgages.

23 Q. And how long did you hold that position?

1 A. I think I was there two and a half years.

2 Q. So approximately 2010, 2011?

3 A. 2010.

4 Q. And did you hold the position of mortgage  
5 specialist the whole time you were at Bank of  
6 America?

7 A. Yes.

8 Q. Did there come a time when you left Bank of  
9 America?

10 A. Yes.

11 Q. Why was that?

12 A. That was because the company was changing to  
13 customer complaints and they couldn't give me the  
14 schedule that I had with mortgage servicing.

15 Q. What was your schedule at mortgage servicing?

16 A. It was between -- there was a flexibility because  
17 I was able to leave and get voluntary time off  
18 and -- with the mortgage specialist position that  
19 I had. But in the position I would have, I  
20 wouldn't be able to do that. And I was also  
21 helping my husband run his business in  
22 landscaping on the side, and I used that time to  
23 do the books for that business.

1 Q. So let's backtrack. Then there was another  
2 company you worked for and that was SNM?

3 A. It's actually SNS. S, as in Sam; N, as in Nick;  
4 S, as in Sam, Landscaping.

5 Q. What does SNS stand for?

6 A. It stands for Shawn, Nick and Stacey.

7 Q. Okay. And does Shawn -- who does the first S  
8 refer to, Shawn whom?

9 A. My husband.

10 Q. Okay. And who does the N refer to?

11 A. Nick, his best friend.

12 Q. And who does the S person -- who is Stacey?

13 A. Stacey is his father, Shawn's father.

14 Q. And who owns -- well, when did SNS Landscaping  
15 come into being?

16 A. 2003.

17 Q. Do you know how it came into being?

18 A. My husband started the business, Shawn McGee.

19 Q. Were you involved in the starting of the  
20 business?

21 A. Yes. I helped him get his business license.

22 Q. What does that mean, to help get a business  
23 license?

1 A. Took him downtown, filled out the paperwork.

2 Q. Okay. Before he started SNS Landscaping, had  
3 Shawn been in the landscaping business?

4 A. He was not. His father has.

5 Q. Did his father have his own company?

6 A. No. He worked for a landscape company.

7 Q. And at the time SNS Landscaping came into being,  
8 was his father still working at the other  
9 company?

10 A. No.

11 Q. What was his father doing then?

12 A. He was helping him run the business, the business  
13 SNS Landscaping.

14 Q. Was Shawn doing landscaping before 2003?

15 A. No.

16 Q. Okay. When Shawn graduated high school, what did  
17 he do?

18 A. He was doing the business. He was running the  
19 business.

20 Q. Okay. Landscaping?

21 A. Uh-huh.

22 Q. Let me just get the dates. You graduated in  
23 2004.

1 A. Yes.

2 Q. I thought that was your college. Sorry. I got  
3 confused.

4 A. Okay.

5 Q. So is it fair to say, before Shawn graduated high  
6 school, he was embarking on this company with his  
7 friend Nick and his father?

8 A. Yes.

9 Q. And so in 2003, before he graduated high school,  
10 you assisted him in getting a business license?

11 A. Correct.

12 Q. So then when Shawn graduated, what did he do  
13 after graduation?

14 A. He was doing his sole prop -- SNS Landscaping.

15 Q. Did there come a time when his father, Stacey  
16 McGee, started working at SNS Landscaping  
17 full-time?

18 A. It was never full-time. Just part-time, when he  
19 needed him.

20 Q. Okay. So when did he begin working part-time  
21 with his son?

22 A. That would have been 2003.

23 Q. Okay. And you said Shawn's best friend, Nick --

1 A. Uh-huh.

2 Q. -- also worked at SNS?

3 A. Correct.

4 Q. When did he start working there?

5 A. In 2003.

6 Q. Was he in high school with Shawn?

7 A. Yes. He didn't go to the same high school,  
8 though.

9 Q. What high school did he go to?

10 A. I don't know.

11 Q. Okay. And has Nick been in business with Shawn  
12 since then?

13 A. No.

14 Q. Okay. How long was he in business with Shawn?

15 A. I would say less than a year.

16 Q. Okay. And who is the owner from inception --  
17 starting with its inception, who was the owner of  
18 SNS Landscaping?

19 A. Shawn.

20 Q. Solely in his name?

21 A. Solely.

22 Q. And has that changed?

23 A. No.

1 Q. Remains in his name?

2 A. Correct.

3 Q. And what role have you played in SNS Landscaping?

4 A. I'm the bookkeeper, customer contact.

5 Q. Okay. Has that been your role all along?

6 A. No. In the beginning, it was just putting  
7 together -- helping put together the paperwork,  
8 the invoices. My role has increased, I would  
9 say, about the time I quit Bank of America.

10 Q. So at that time when you were at Bank of America  
11 and you were able to have flexible leave, when  
12 that changed, then you changed your efforts and  
13 continued to work -- increased your time at  
14 SNS --

15 A. Correct.

16 Q. -- Landscaping?

17 A. Uh-huh.

18 Q. At Bank of America, did you receive any training  
19 regarding discrimination, harassment, hostile  
20 environment?

21 A. I don't remember. I know we did a lot of  
22 training at Bank of America, a lot of seminars.  
23 I don't remember, specifically, one for

1 discrimination.

2 Q. Were you ever involved in the acquisition of any  
3 equipment for SNS Landscaping?

4 A. Yes.

5 Q. Okay. When was that?

6 A. 2004.

7 Q. Can you tell me what you recall?

8 A. Yes. I purchased a dump -- it's like an  
9 attachable dump that goes on the back of a pickup  
10 truck, on my credit card.

11 Q. Okay. Anything else that you would have  
12 purchased?

13 A. No.

14 Q. Were you ever a co-signer on any type of loan or  
15 anything of that nature relative to the business?

16 A. I was a co-signer on a truck.

17 Q. When was that?

18 A. 2007.

19 Q. Okay. And that was -- was the truck for business  
20 purposes?

21 A. It was for business and personal, yes.

22 Q. What kind of truck?

23 A. It was -- it's a 2008 Chevy Silverado 2500.

1 Q. Okay. Anything else that you can think of that  
2 you may have co-signed on?

3 A. Then, recently, a 2000 -- it was -- in 2018, it  
4 was a 2005 -- excuse me. 2014 Ford F450 dump  
5 truck.

6 Q. And did you co-sign on that?

7 A. Yes. That is in my name.

8 Q. It's in your name?

9 A. Uh-huh.

10 Q. Okay. Does the business own any property?

11 A. Any property? No.

12 Q. Okay. Where -- starting in 2003, can you tell me  
13 at that point, where was the business located?

14 A. 2003, it was wherever we were living at the time,  
15 because we did everything out of the home at that  
16 time. I don't remember where I lived in 2003.

17 Q. Okay. Would it have been a house?

18 A. Yes. It would have been a house in Amherst.

19 Q. Okay. When did you and Shawn start to reside  
20 together?

21 A. In -- it was 2004 -- no. No. That's not right.  
22 2000 -- I was in college until 2008, so I would  
23 say I started living with him after college, so

1           2008.

2       Q.   Okay.   And prior to 2008, did he have a house?

3       A.   No.

4       Q.   Where did he run his business from 2003 to 2008?

5       A.   He lived with his father.

6       Q.   And did his father live in a house?

7       A.   Yes.

8       Q.   And was he able to park his vehicles from the  
9           business there?

10      A.   Yes.

11     Q.   In 2008, when you moved in together, did you have  
12           a lease you both signed or did you purchase  
13           property?   What happened in 2008?

14     A.   We rented from somewhere -- somewhere in Amherst.  
15           I couldn't even tell you our first address  
16           together.   We moved around a couple times before  
17           purchasing.

18     Q.   Was this a lease you would both sign or you or  
19           him?

20     A.   It would be a lease that we both signed.

21     Q.   You said you moved a few times.   What is the  
22           place that you can remember?   After you moved in  
23           together, you said you were in a place and you

1           moved a few times. Do you remember any of those  
2           locations?

3       A. I remember living with him at 288 Sundridge  
4           Drive.

5       Q. Where is that?

6       A. That's in Amherst.

7       Q. Okay.

8       A. 971 Tanavan Creek Road. That's in Amherst as  
9           well. That's all I remember.

10      Q. Okay. These were renting, right?

11      A. Rentals, yes.

12      Q. And did those rentals allow you to keep equipment  
13           there for the landscaping business?

14      A. At that time, we just had about a mower and weed  
15           whacker. It was a small operation. So it wasn't  
16           an issue.

17      Q. Was Shawn working somewhere else or was he just  
18           putting his efforts into building the business?

19      A. Just the business.

20      Q. Okay. After 971 Tonawanda Creek, where did you  
21           live?

22      A. We purchased a home.

23      Q. And where was that?

1 A. 5920 Meahl Road, M-E-A-H-L, Road, Lockport,  
2 14094.

3 Q. When was that?

4 A. That was November of 2012.

5 Q. Okay. And are you both owners of that property?

6 A. No.

7 Q. Who owns the property?

8 A. I do.

9 Q. Is there a reason you just own the property?

10 A. No.

11 Q. Is it for business purposes or --

12 A. No.

13 Q. And do you have a mortgage?

14 A. We do not, on that property.

15 Q. Were you able to purchase it with personal funds?

16 A. Well, actually, my father let us borrow his line  
17 of credit to pay the home in full and we have  
18 been paying that line of credit. That's the  
19 arrangement we have for that home.

20 Q. Got it. So it's in your name until the line of  
21 credit is paid off?

22 A. That's correct.

23 Q. And have you and Shawn been making payments to

1       pay back the line of credit?

2       A.   Yes.

3       Q.   And how long did you live at 5920 Meahl Road?

4       A.   We just moved out last month.   So up until last  
5       month.

6       Q.   Why did you move out?

7       A.   We purchased our second home.

8       Q.   Do you still own the Meahl Road property?

9       A.   We do.

10      Q.   And why did you purchase a second home?

11      A.   We needed a bigger home.

12      Q.   And where is this second home located?

13      A.   136 Northington Drive, East Amherst, New York,  
14      14051.

15      Q.   And who owns this property?

16      A.   Shawn McGee, my husband.

17      Q.   And how did you finance that home?

18      A.   Through a lender.   Through Loan Depot.

19      Q.   So it would be based on your husband's income?

20      A.   Correct.

21      Q.   Strike that.   It was based on your husband and  
22      your income?

23      A.   Just his.   So the title is in both of our names,

1           so technically, we're both owners, but the  
2           mortgage is in his name.

3       Q.   Would you describe yourself as happily married?

4       A.   Yes.

5       Q.   It's been a long time.   Would you say it was a  
6           happy journey?

7       A.   It's been a journey.   It's been a journey.   Yes,  
8           a happy one.

9       Q.   Okay.   With regard to your second home -- well,  
10           strike that.   With regard to your second home,  
11           are you able to park work vehicles there?

12      A.   No.

13      Q.   Is that the business only?

14      A.   I don't know if we were allowed to, we just  
15           don't.   Right now, we separate -- we are moving  
16           more towards separating our personal and business  
17           in two different locations.

18      Q.   So where is the business location?

19      A.   6562 Bear Ridge Road.   That's in Pendleton.

20      Q.   When -- did you purchase that property?

21      A.   No.   We rent that.   It's just a garage that we  
22           rent so that we can centrally locate all of our  
23           equipment.

1 Q. And when did you start renting Bear Ridge --

2 A. Three months ago.

3 Q. -- Road?

4 You said so we can separate our equipment.

5 So it sounds like you have acquired equipment?

6 A. Yes.

7 Q. And was some of that equipment purchased

8 outright?

9 A. Yes.

10 Q. And you indicated what you have put your name on.

11 A. Uh-huh.

12 Q. Is there equipment that your husband has his name

13 on?

14 A. Yes.

15 Q. And how much equipment is that?

16 A. That would be the remainder of our trucks.

17 Q. How many trucks would that be?

18 A. Five trucks.

19 Q. So his name is on five trucks?

20 A. Yes.

21 Q. And your name is on?

22 A. My name is on two. We have a total of seven

23 trucks.

1 Q. What size -- besides trucks, does he own anything  
2 else?

3 A. Yes. He owns a Bobcat.

4 Q. Is that in his name?

5 A. Yes.

6 Q. Anything else?

7 A. I mean, equipment like snowplows and lawn mowers?

8 Q. Yes.

9 A. Yes. He owns three lawn mowers and seven  
10 snowplows.

11 Q. Is that all in his name?

12 A. Yes.

13 Q. Do you believe the business to be successful?

14 A. Yes.

15 Q. Would you say that he worked hard for that?

16 A. Yes. Very hard.

17 Q. Okay. Did there come a time when you were  
18 employed at Black Angus Meat?

19 A. Yes.

20 Q. I forgot to tell you also. The court reporter  
21 can't take down nods or -- it has to be a verbal  
22 response.

23 A. Okay.

1 Q. The other thing is, we can't talk over each  
2 other, which is my bad habit, not yours, you are  
3 doing fine, because she can't take two people at  
4 once.

5 A. Okay.

6 Q. I should have put that instruction in the  
7 beginning.

8 Okay. I'm going to run through some  
9 documents that we were provided by Black Angus  
10 Meat relative to your earnings while you were  
11 there. Okay?

12 A. Okay.

13 Q. I'm going to just run through them with you and  
14 see if that -- okay. Looking at Exhibit 104, do  
15 you see that there's a W-4 form inside?

16 A. Yes.

17 Q. Does that -- do you know the day you started  
18 working at Black Angus Meat, the date?

19 A. No. I don't remember the date.

20 Q. Okay. And is your application dated?

21 A. Yes. July 1st, 2005.

22 Q. Okay. And do you know how soon after your  
23 application that you began working?

1 A. I don't remember. I remember it being pretty  
2 quickly after, but I don't remember the exact  
3 date.

4 Q. Let me show you Exhibit 104, Bates DEF0207.  
5 These are numbers we put on the bottom. DEF  
6 means Black Angus Meat provided it to us.

7 A. Okay.

8 Q. Do you see the U.S. Department of Justice  
9 employment eligibility form?

10 A. Yes.

11 Q. And is that signed by you?

12 A. Yes.

13 Q. And on what date?

14 A. On July 12, 2005.

15 Q. Okay. After you completed these forms, did you  
16 start working at Black Angus Meat?

17 A. Yes.

18 Q. Let me show you what's been marked as Exhibit  
19 105, which is a payroll pre-check writing report  
20 of Black Angus Meat relative to your earnings,  
21 withholding, deductions for the pay period 7/4/05  
22 to 7/10/05. Do you see that?

23 A. Yes.

1 Q. And do you see it says that you worked thirty-six  
2 hours?

3 A. Yes.

4 Q. And you earned two hundred seventy dollars?

5 A. Yes. It does say that.

6 Q. And do you know at that time when you started  
7 working there, what your hourly rate was?

8 A. No.

9 Q. If two seventy divided by thirty-six was seven  
10 dollars and fifty cents, would that refresh your  
11 recollection of what you were paid when you  
12 started?

13 A. I don't remember, but it sounds right.

14 Q. And do you know how your pay was established at  
15 Black Angus Meat?

16 A. No.

17 Q. And how did it come that you applied for work at  
18 Black Angus Meat?

19 A. My father said that, you know, Bob and Diane may  
20 be hiring, to check with them, because me and my  
21 sister were both looking for jobs, Regina.

22 Q. And what did you do?

23 A. I went in to speak with Diane to see if she was

1 hiring and that's when she gave me the  
2 application.

3 Q. Do you recall if, at the time you went in, there  
4 was a sign on the window or anywhere about like  
5 looking to hire or something that would say help  
6 wanted?

7 A. No.

8 Q. Okay. And so she gave you an application. And  
9 what did you do next?

10 A. I filled out the application. I don't remember  
11 if I took it home or filled it out right there.  
12 I don't remember.

13 Q. And what happened next?

14 A. And then after handing in the application -- I  
15 don't remember. I was hired.

16 Q. Okay. Did you have an interview?

17 A. I don't remember.

18 Q. Okay. That's fine if you don't.

19 A. Okay.

20 Q. Was there any restriction on the hours you could  
21 work at that time when you started?

22 A. I don't remember. So it was July. I don't  
23 think -- it was summer, so no.

1 Q. Did you indicate in your interview you had any  
2 restrictions in work?

3 A. Yes. I let Diane know about the volleyball  
4 season and school.

5 Q. When did you let her know about that?

6 A. I let her know upon applying.

7 Q. Would that have been when you first got the  
8 application?

9 A. Yes. When I first asked if she was hiring, that  
10 would be the time I would say these are my hours  
11 I can work, is it worth putting in the  
12 application.

13 Q. Okay. Was anyone else hired at the time you were  
14 hired?

15 A. I think my sister was, too.

16 Q. Was she in school -- which sister?

17 A. Regina.

18 Q. Was she in school at that time?

19 A. It was summer, but yes, high school.

20 Q. She was a high school student?

21 A. Correct.

22 Q. And what year was she in?

23 A. 2000 -- she was one year below me. So I

1 graduated in '04. She graduated in 2005.

2 Q. Okay. So this -- you began work in 2005. So had  
3 she already graduated?

4 A. Yes. So 2005, yes. So we both graduated, yes.  
5 Right. Yes. We both graduated. She just  
6 graduated in June of '05 and I graduated a year  
7 prior.

8 Q. Okay. And was she going to be attending college?

9 A. I don't remember her plans. She has bounced  
10 around to a couple different colleges. I don't  
11 remember exactly.

12 Q. Do you know what her first college was?

13 A. No.

14 Q. Was it local?

15 A. Yes.

16 Q. So when she -- you said bounced to a couple  
17 different colleges. So were they all local  
18 colleges?

19 A. Yes.

20 Q. Do you know if she had any restrictions on her  
21 ability to work when she was hired?

22 A. No, I don't know if she did.

23 Q. And did she get an application at the same time

1           you did?

2       A.   I don't remember.   I think so.

3       Q.   Do you remember if she was with you when you went  
4           to see Diane?

5       A.   I don't remember.

6       Q.   Now, going back to your other job at Bank of  
7           America.   Were there any employment benefits at  
8           Bank of America?

9       A.   Yes.

10      Q.   What benefits were there?

11      A.   401(k), health insurance, dental insurance.

12      Q.   Did they have sick time, vacation time?

13      A.   Yes.

14      Q.   Did they call it PTO time?

15      A.   Yes.

16      Q.   Okay.   Was that described in some type of  
17           handbook -- strike that.   How did you become  
18           aware of those benefits?

19      A.   I don't remember.

20      Q.   But it was something that individuals became  
21           aware of when they started their employment?

22      A.   Right.

23      Q.   When you started working at CMS collection

1 agency, were there any employment benefits?

2 A. Not that I was aware of.

3 Q. When you started work at Stereo Advantage, were  
4 there any employment benefits?

5 A. Not that I was aware of.

6 Q. Is it fair to say you only worked at both of  
7 those places two months, approximately sixty  
8 days?

9 A. Correct.

10 Q. When you started working at Black Angus Meat,  
11 were there any employment benefits?

12 A. Not that I was aware of.

13 Q. Did anyone ever indicate to you that you could  
14 potentially be eligible for health insurance at  
15 Black Angus Meat?

16 A. No. I already had health insurance so --

17 Q. Who did you have health insurance through?

18 A. Through my parents, family.

19 Q. How long did you have health insurance, until  
20 what age?

21 A. Until I was twenty -- through college, I know  
22 that. I was covered through college. So  
23 twenty-one. Twenty-one years old.

1 Q. Through college was -- what year did you say you  
2 graduated, again?

3 A. In 2008.

4 Q. After that, what did you do for health insurance?

5 A. I think I was -- I think I was covered under my  
6 parents until twenty-seven. I think they  
7 extended some sort of, I don't know, health care  
8 law or something, if you are a student. So I was  
9 covered through them. Now I have my own health  
10 insurance.

11 Q. Okay. Were you -- when you started at Black  
12 Angus Meat, were you aware of any benefits -- any  
13 employee benefits you may be entitled to?

14 A. No.

15 Q. Did you have vacation time?

16 A. No, not that I remember.

17 Q. Okay. Or any personal, sick days, or PTO time,  
18 anything of that nature?

19 A. If I was sick -- I don't even remember calling  
20 in, but if I was sick, I would call in. I don't  
21 remember.

22 Q. Okay. You don't remember earning so many  
23 vacations days or so many sick days or anything

1 of that nature?

2 A. Correct. As far as accumulating time, no.

3 Q. Okay. Was there anything they gave you at Black  
4 Angus Meat regarding employment benefits?

5 A. Not that I remember.

6 Q. Was there anything they gave you at Black Angus  
7 Meat regarding employment policies?

8 A. Not that I remember.

9 Q. When you started working at Bank of America, did  
10 they give you any information regarding  
11 employment policies?

12 A. Yes. I know with Bank of America we went through  
13 a lot of training and a lot of handbooks and  
14 seminars.

15 Q. So when you started working there, they gave you,  
16 either electronically or in paper, their  
17 employment policies?

18 A. Correct.

19 Q. I'm going to show you what's been marked as  
20 Exhibit 106, which is the Black Angus Meat  
21 payroll pre-check writing report relative to  
22 Raelean Rush.

23 A. Uh-huh.

1 Q. For the period August 22, 2005 to August 28,  
2 2005. Do you see that?

3 A. Yes.

4 Q. And do you see where it says forty hours, three  
5 hundred dollars?

6 A. Yes.

7 Q. And if I indicated to you that that was seven  
8 dollars and fifty cents an hour, would that  
9 refresh your recollection that in August of that  
10 year, you were making that amount of money?

11 A. That sounds right, yes.

12 Q. Okay. Let me show you what's been marked as  
13 Exhibit 107, which is the Black Angus Meat W-2  
14 report for 2005. And do you see where it  
15 indicates that you earned two thousand two  
16 hundred nine dollars and fifty-one cents for the  
17 year 2005?

18 A. Yes.

19 Q. Would that be consistent with your recollection?

20 A. Yes.

21 Q. Okay. At any time that you worked at Black Angus  
22 Meat, did you ever receive any form of  
23 compensation other than in a check?

1 A. No.

2 Q. Okay. Let me show you what's been marked as  
3 Exhibit 108, which, for the record, is the Black  
4 Angus Meat payroll pre-checking report, earnings,  
5 withholding deductions, again, in reference to  
6 Raelean Rush, indicating that you earned two  
7 hundred and two dollars, and you worked  
8 twenty-seven hours.

9 A. Yes.

10 Q. Strike that. You earned two hundred two dollars  
11 and fifty cents for working twenty-seven hours?

12 A. Yes.

13 Q. Okay. If I indicated to you that that worked out  
14 to seven dollars and fifty cents an hour, would  
15 that be consistent?

16 A. Yes.

17 Q. If you could turn to the second page of that  
18 document. Do you see for the pay period ending  
19 3/27/06 to 4/2/06?

20 A. Yes.

21 Q. So the one before is the pay period before that?

22 A. Yes.

23 Q. So in this pay period relative to you, it

1 indicates that you made two hundred twenty-eight  
2 dollars and you worked twenty-eight point five  
3 hours, which would be eight dollars an hour?

4 A. Yes.

5 Q. Do you recall receiving a pay raise?

6 A. I recall receiving a raise. I don't remember  
7 when.

8 Q. Do you remember anything relative to the raise,  
9 such as, did you have a meeting with them, any  
10 discussion about your performance -- strike that.

11 What, if any, recollection do you have  
12 regarding any of the circumstances leading to  
13 your first raise to eight dollars an hour?

14 A. I remember receiving a Post-it note of a  
15 fifty-cent raise inside the paycheck. And I went  
16 into the office and Diane let me know that, you  
17 know, I've been working more, my responsibilities  
18 are greater, so, you know, you've been working  
19 here for a few months, maybe it's time for a  
20 raise.

21 Q. And at that time, did you feel as though they  
22 were evaluating your performance?

23 A. Yes.

1 Q. Okay. Let me show you what's been marked as  
2 Exhibit 109, which is the Black Angus Meat  
3 payroll pre-checking report, earnings,  
4 withholdings for the pay period June 19, 2006 to  
5 June 25, 2006 for Raelean Rush --

6 A. Yes.

7 Q. -- indicating that you earned three hundred and  
8 twenty dollars working forty hours, which would  
9 be eight dollars an hour?

10 A. Yes.

11 Q. Is that consistent with your recollection?

12 A. Yes.

13 Q. Could I have that, please?

14 Let me show you what's been marked as  
15 Exhibit 110, which is the payroll pre-check  
16 reporting -- report for the period ending 7/10/16  
17 (sic) to 7/16/06 relative to Raelean Rush, which  
18 indicates that you earned three hundred twenty  
19 dollars for forty hours. Do you see that?

20 A. Yes.

21 Q. And that would be consistent with eight dollars  
22 an hour, is that true?

23 A. Correct.

1 Q. Let me show you what's been marked as Exhibit  
2 111. Looking at the first sheet, it's a Black  
3 Angus Meat's payroll pre-check writing report for  
4 the period December 18, '06 to December 24, '06,  
5 indicating that you worked three hundred forty --  
6 forty hours at three hundred twenty dollars per  
7 hour (sic). Do you see that? Which is eight  
8 dollars an hour -- strike that.

9 You worked forty hours and earned three  
10 hundred twenty dollars, which would be eight  
11 dollars an hour?

12 A. Correct.

13 Q. Is that consistent with your recollection?

14 A. Yes.

15 Q. Okay. Now, going to the next page, it is the  
16 payroll pre-check writing report from December  
17 25th to December 31, 2006. And it indicates that  
18 you worked thirty-four point two five hours and  
19 earned two hundred ninety-one dollars and  
20 thirteen cents, which is eight dollars and fifty  
21 cents an hour. Do you recall receiving a raise  
22 at that time?

23 A. I don't remember the time.

1 Q. Do you recall at one point you made eight dollars  
2 and then received a raise to eight dollars and  
3 fifty cents?

4 A. No. I don't remember.

5 Q. Okay. You told me about the first time you  
6 received a raise, there was a sticky?

7 A. Right.

8 Q. Do you recall ever getting another raise?

9 A. I do remember receiving a couple raises. I do.

10 Q. Do you recall the circumstance of this raise  
11 after your first one with the sticky?

12 A. Not specifically, no.

13 Q. Any general recollection?

14 A. No.

15 Q. Okay. Do you have any reason to believe you  
16 didn't get a fifty-cent raise?

17 A. No.

18 Q. And if you did receive that raise, would you  
19 believe it was based on your performance?

20 A. Yes.

21 Q. Did they ever indicate anything to you regarding  
22 your performance?

23 A. Yes. About like the speed of wrapping the meat

1           and taking care of customers.

2       Q.   Let me show you what's been marked Exhibit 112,  
3           which, for the record, is a Black Angus Meat W-2  
4           report for the year 2006, which includes Raelean  
5           Rush. Indicates you are at five thousand four  
6           hundred seventy-eight dollars and twenty-five  
7           cents?

8       A.   Yes.

9       Q.   Okay. Is that consistent with your recollection?

10      A.   Yes.

11      Q.   Showing you what's been marked as Exhibit 113,  
12           which is a payroll pre-check writing report for  
13           the pay period 5/7/07 to 5/13/07 relative to  
14           Raelean Rush, indicating you earned one hundred  
15           and four dollars and thirteen cents and worked  
16           twelve point two five hours, which would be eight  
17           dollars and fifty cents per hour?

18      A.   Yes.

19      Q.   Is that consistent with your recollection?

20      A.   Yes.

21      Q.   Okay. Let me show you what's been marked as  
22           Exhibit 114, which is a Black Angus Meat W-2  
23           report for 2007, indicating that you earned six

1           thousand four hundred twenty-eight dollars and  
2           fifty cents?

3       A.   Yes.

4       Q.   Is that consistent with your recollection?

5       A.   Yes.

6       Q.   Let me show you what's been marked as Exhibit  
7           115, which is the -- the first page is a payroll  
8           pre-check writing report of Black Angus Meat for  
9           the pay period 4/27/08 to 5/4/08, indicating you  
10          worked twenty-one point seven hours and earned  
11          one hundred eighty-four dollars and forty-five  
12          cents, which would be eight dollars and fifty  
13          cents an hour?

14      A.   Yes.

15      Q.   Is that consistent with your recollection?

16      A.   Yes.

17      Q.   Looking at the next page of that document.  It's  
18          a payroll pre-check writing report for May 5,  
19          2008 to May 11, 2008.  It says that you worked  
20          forty hours and earned three hundred and eighty  
21          dollars, which would be nine dollars and fifty  
22          cents an hour?

23      A.   Yes.

1 Q. Do you recall getting a one-dollar raise in May  
2 of 2008?

3 A. No. I don't remember getting a dollar raise.

4 Q. Okay. Would that be something you might  
5 remember?

6 A. Probably not, no.

7 Q. Do you recall any discussion relative to this  
8 raise?

9 A. I do remember some discussions about performance.  
10 And whenever I got a raise, there would  
11 definitely be some sort of discussion between  
12 Diane and I. I don't remember the specifics.

13 Q. Okay. Let me show you what's been marked as  
14 Exhibit 116, which is the Black Angus Meat's W-2  
15 report for the year 2008, which indicates that  
16 you earned twelve thousand four hundred  
17 eighty-seven dollars and sixteen cents. Would  
18 that be consistent with your recollection?

19 A. Yes.

20 Q. Let me show you what's been marked as Exhibit  
21 117, which is the Black Angus Meat payroll  
22 pre-check writing report for the period 4/6/2009  
23 to 4/12/2009, indicating that you worked

1        fifty-four -- strike that.

2                Let me show you the Black Angus Meat payroll  
3        pre-check writing report for the period 4/6/2009  
4        to 4/12/2009, indicating you earned fifty-four  
5        dollars and sixty-three cents for five point  
6        seven five hours of work, which would be nine  
7        dollars and fifty cents an hour?

8        A.    Correct.

9        Q.    Do you recall when you stopped working at Black  
10       Angus Meat?

11       A.    It was when I left for Bank of America.    I don't  
12       remember the specific date.

13       Q.    Do you recall if this was your last pay period?

14       A.    I don't recall, no.

15       Q.    Could it have been in April of 2009?

16       A.    It could have been.    2009, yes, it could have  
17       been.    I'm not sure.    2009, 2010.    I thought I  
18       started at Bank of America in 2010.    I'm not  
19       positive.

20       Q.    When you left Black Angus Meat, was it for your  
21       job at Bank of America?

22       A.    Yes.

23       Q.    And everything you've ever been paid at Black

1 Angus Meat was paid by check?

2 A. Correct.

3 Q. Let me show you Exhibit 118, which is the Black  
4 Angus Meat's W-2 report for 2009, which indicates  
5 you made three thousand four hundred sixty-seven  
6 dollars and thirteen cents?

7 A. Yes.

8 Q. Does that seem accurate?

9 A. Yes.

10 Q. And would that now refresh your recollection that  
11 you stopped working sometime in April of 2009?

12 A. Yes.

13 Q. Did you ever have any formal evaluation at Black  
14 Angus Meat?

15 A. When I started working?

16 Q. Yes. Formal evaluation, a written evaluation --  
17 strike that. Did you ever receive a written  
18 performance evaluation at Black Angus Meat?

19 A. No.

20 Q. Were you ever disciplined at Black Angus Meat?

21 A. No.

22 Q. When you started to work at Black Angus Meat,  
23 what were your job duties?

1 A. I remember wrapping meat and waiting on  
2 customers.

3 Q. And where would you be wrapping the meat?

4 A. In the front of the store where the customers  
5 are.

6 Q. Did you ever have to go in the -- well, strike  
7 that.

8 Let's talk about the store and its layout --

9 A. Okay.

10 Q. -- when you worked at Black Angus Meat.

11 MS. O'BRIEN: Can we take a quick break?

12 MS. GRECO: Sure. No problem.

13 (Whereupon, a short recess was then taken.)

14 BY MS. GRECO:

15 Q. Let me show you what's been marked as Exhibit  
16 235. Now, do you recognize that as Black Angus  
17 Meat?

18 A. Yes.

19 Q. All right. And when you say you wrapped up  
20 front, in that top picture, is that the area you  
21 are talking about?

22 A. Yes.

23 Q. Okay. In addition to wrapping meat and waiting

1           on customers, did you also have to go in the back  
2           and get packs?

3       A.   Yes.

4       Q.   Did you ever have to wrap the meat in the back  
5           for the packs?

6       A.   No, not that I remember.

7       Q.   Do you recall ever working at a station where  
8           Keegan Roberts worked and Sean Round worked,  
9           wrapping?

10      A.   I don't remember.

11      Q.   Did you ever wrap during deer season?

12      A.   Yes.

13      Q.   Okay. And did you wrap every deer season?

14      A.   No. I don't remember.

15      Q.   But you recall wrapping deer meat?

16      A.   Yes, I do.

17      Q.   And I'm going to show you Exhibit 236. And do  
18           you see where -- that's a close-up view of Black  
19           Angus Meat?

20      A.   Yes.

21      Q.   Okay. Were you aware of them ever putting out a  
22           help-wanted sign?

23      A.   Yes.

1 Q. And where would that be on this exhibit?

2 A. If I remember, it would be either in that corner  
3 or on the door. I don't remember.

4 Q. When you say that corner, what do you mean?

5 A. The corner underneath this red, white and blue  
6 sign or on the door.

7 Q. Why don't you take a pen and circle and put your  
8 initials where you think it might have been.

9 Both of the two places.

10 Okay. Now, and during the time you worked  
11 at Black Angus Meat, how often would there be a  
12 help-wanted sign on the window or wherever it was  
13 on the building?

14 A. I don't remember.

15 Q. Would it be often?

16 A. I don't remember.

17 Q. Did you ever receive applications -- strike that.  
18 Did you ever receive requests from anyone seeking  
19 to put in an application?

20 A. Yes.

21 Q. And how would that work, can you tell me?

22 A. Someone would come in and ask if we were hiring  
23 or can I get an application. I would get an

1 application from the office and I would -- from  
2 Diane, and then I would give them the  
3 application.

4 Q. Every time someone came in to request an  
5 application, that you were aware of, would you  
6 give them an application?

7 A. Yes.

8 Q. Then what would happen? Did anyone ever return  
9 applications to you?

10 A. I don't remember.

11 Q. During the time you were employed there, what  
12 percent of the customers would you say were  
13 African-American?

14 A. Customers that came into the store?

15 Q. Yes. I'm not talking about deliveries.  
16 Customers that physically came into the store.

17 A. Maybe thirty percent.

18 Q. So you believe thirty percent African-American  
19 and seventy percent Caucasian?

20 A. Or seventy percent other, yes.

21 Q. Other being?

22 A. Anything other than black.

23 Q. Okay. Were there Hispanic individuals that came

1 in?

2 A. I don't remember. I know I saw Asian, Caucasian.  
3 I don't remember anything else.

4 Q. Do you remember a customer referred to as Mr.  
5 John?

6 A. No.

7 Q. When a customer -- I don't know if I asked you.  
8 Do you ever recall anyone returning an  
9 application to you when you were at the counter?

10 A. I don't remember that. When I gave the -- if I  
11 gave an application, when I did, I said to return  
12 it to the office. Return it to the office. Fill  
13 it out and return it to the office.

14 Q. And how would they return it to the office, would  
15 they have to come through the counter?

16 A. Well, there's two entrances to the office. There  
17 was an outdoor entrance to a hallway, where you  
18 took a left door to the office, or you come  
19 through the front door and make a right, and  
20 there is an office door there, too.

21 Q. So could anyone go to the office door every day?

22 A. Yes.

23 Q. And who would answer the office door?

1 A. Whoever was in the office. It was usually Diane  
2 at the desk.

3 Q. If Diane was not there, would that be Keegan?

4 A. Yes. Keegan would be at the desk or -- I don't  
5 know.

6 Q. Would Robert Seibert be at the desk?

7 A. He usually wasn't at the desk. If he was in the  
8 office, he was in and out. I don't think I saw  
9 him do much paperwork.

10 Q. So to the best of your recollection, if someone  
11 was to bring an application back after you would  
12 give it to them, it would have been given to  
13 Diane or Keegan?

14 A. Yes, I would say.

15 Q. And did you ever give an application to an  
16 African-American person?

17 A. I don't remember.

18 Q. Do you recall any person you gave an application  
19 to?

20 A. I remember giving one -- at least one application  
21 out. I don't remember what the person looked  
22 like or who it was.

23 Q. Okay. During the time you were employed at Black

1 Angus Meat, how many employees were  
2 non-Caucasian?

3 A. I remember -- I don't know if Kim was Caucasian  
4 or not. I don't know. I remember Kim working  
5 there. I don't know if she was Caucasian or not.  
6 I don't know anybody else that wouldn't be  
7 Caucasian.

8 Q. When you say Kim -- strike that. You said Kim.  
9 Are you sure she is African-American?

10 A. No. No. I'm not saying she is African-American.  
11 She could be Native American. I don't know what  
12 she is.

13 Q. Do you recall any African-American employees?

14 A. Not that I remember, no.

15 Q. Do you recall any Asian employees?

16 A. Not that I remember, no.

17 Q. Do you recall any Native American employees?

18 A. If she was, it wasn't really my business to know  
19 what she is.

20 Q. I'm just asking what you know.

21 A. Yeah. Right.

22 Q. Or what you believe to be true.

23 A. Right.

1 Q. Okay. Let me show you what's been marked as  
2 Exhibit 237 and ask if you recognize that.

3 A. Yes.

4 Q. And what is it?

5 A. It's the front of the store of Black Angus.

6 Q. And you said that when you worked there, you  
7 wrapped the meat?

8 A. Yes.

9 MS. GRECO: Can you not hear me?

10 MS. O'BRIEN: No. I just don't have the exhibits,  
11 so I was just -- is this okay? Do you mind if I  
12 sit on the side or --

13 MS. GRECO: She's a non-party.

14 MS. O'BRIEN: I'm not going to say anything to her or  
15 anything, just so I can see the photographs.

16 BY MS. GRECO:

17 Q. Do you recognize that document?

18 A. Yes.

19 Q. You just said you did.

20 A. Yes.

21 Q. I'm sorry. I kind of got thrown off.

22 Did you describe what it is?

23 A. This is the walk-in storefront of Black Angus.

1 Q. Okay. And can you -- you said that you worked at  
2 the counter?

3 A. Yes.

4 Q. Where would that be?

5 A. So that would be the counter of these meat  
6 refrigerators, coolers.

7 Q. And it makes what looks like an L or a V?

8 A. Yes.

9 Q. Okay. And you can see the meat in the window.  
10 You would be behind it on the other side, where  
11 the worker is on either side?

12 A. Yes.

13 Q. You also said you wrapped meat. Where would that  
14 be?

15 A. It would be on this table here, number one. And  
16 there's another table closer to the office,  
17 number two.

18 Q. Okay. So there's -- where this says number two,  
19 wrapping table --

20 A. Uh-huh.

21 Q. -- is that where you believe it to be?

22 A. Yes.

23 Q. Okay. And where was the butcher area located,

1       where the butcher was?

2       A.   Behind table number two.

3       Q.   Do you see where it says area of saw and butcher  
4       block with an arrow?

5       A.   Yes.

6       Q.   Is that what that is back there?

7       A.   That is where the butcher was, yes.

8       Q.   Who was the butcher during the time you were  
9       employed there?

10      A.   Tommy.   I remember Tommy.

11      Q.   Tommy who?

12      A.   I don't know his last name.

13      Q.   And what were your hours of work?

14      A.   They varied.   I tried to stay as full-time as  
15      possible, but --

16      Q.   I'm just looking, like, what time during the day,  
17      generally?

18      A.   I would work -- sometimes I work seven to three.  
19      That would be my main schedule, as long as I  
20      can --

21      Q.   Did you ever start at ten in the morning?

22      A.   Yes, I did start at ten.   Because when I would  
23      start early, at seven, is when I would put

1           together meat packages. So if it was a day I was  
2           doing that, I would get in at seven for delivery.

3   Q. Where would you put the meat packages together?

4   A. That would be at the back of the store. And then  
5           I'm pretty sure, most days, if I started at ten,  
6           it was to come in -- it was straight in to  
7           customer service and wrapping.

8   Q. Okay. So before we talked about what duties you  
9           performed. You said seven to three, you would  
10          come in and go to the back of the store?

11   A. Correct.

12   Q. And what would you do there?

13   A. I put together meat packages for delivery.

14   Q. What does that entail?

15   A. It entails putting together a box, marking down  
16          on a list the things the customer wanted, and  
17          then wrapping up the box and labeling it.

18   Q. Where in the back of the store would you do that?  
19          Was there a certain station?

20   A. There was a room. When you came into the back of  
21          the store to the right, there was a room set up  
22          with a couple tables that each person could work  
23          on their own package.

1 Q. Is that where Darcy Black worked?

2 A. Yes. She did packages, too, if I remember.

3 Q. Who else did packages?

4 A. I don't remember. I know Keegan sometimes would.

5 I don't remember too much about other people.

6 Q. Okay. So when you would come to work at the

7 counter, you would be in the front room?

8 A. Yes.

9 Q. All right. And you said Tommy Howells was the  
10 butcher?

11 A. Yes. Howells, if that's his last name. I know  
12 him as Tommy.

13 Q. Tommy. We can call him the butcher, Tommy.

14 A. Okay.

15 Q. Was he the only butcher during the time you  
16 worked there?

17 A. Yes, as far as I remember.

18 Q. Would he be there when you got in in the morning?

19 A. Yes.

20 Q. And would he be there when you'd leave?

21 A. Sometimes he would leave earlier.

22 Q. How about during deer season?

23 A. I don't remember. During deer season, would he

1 be there?

2 Q. Well, during the time -- strike that. When it  
3 was deer season, did Black Angus Meat also do  
4 deer meat?

5 A. Yes.

6 Q. Did it -- was Tommy Howells the butcher? Was the  
7 butcher Tommy?

8 A. I don't remember. I would imagine so, yes.

9 Q. Do you remember any other butcher, other than  
10 Tommy, when you worked there?

11 A. No. It had to have been Tommy.

12 Q. Do you know where the deer meat was cut and  
13 ground?

14 A. That was in the back of the store. I don't know  
15 where it was cut. I did the wrapping in the  
16 back.

17 Q. Okay. And do you recall whether they had -- they  
18 would -- they had more than one grinder for the  
19 meat?

20 A. I don't remember. I never ground meat.

21 Q. Okay. So -- but do you ever recall them moving a  
22 grinder to the back during deer season --

23 A. No.

1 Q. -- back and forth?

2 That's not something you would know?

3 A. No.

4 Q. No, meaning you would or wouldn't know?

5 A. No, I wouldn't know.

6 Q. Okay. I'm going to show you what's been marked  
7 as Exhibit 241. And for the record, this is a  
8 Google Maps overview of Black Angus Meat.

9 A. Okay.

10 Q. That was -- it says 2018. It says printed on  
11 1/9/2018. It doesn't necessarily mean that's  
12 when the picture was taken. I'm only asking your  
13 recollection.

14 A. Okay.

15 Q. Do you see the building marked one?

16 A. Yes.

17 Q. Okay. What is your understanding that includes?

18 A. That includes the front store area and the back  
19 room where we did the venison and meat package  
20 for delivery.

21 Q. Okay. And so the front of -- strike that.

22 Looking at Exhibit 241, where the number one  
23 is, that includes the front of the store as

1 exhibited in Exhibit 237?

2 A. Uh-huh.

3 Q. And the back of the store, where you indicated  
4 you would do the wrapping of the meat and the  
5 venison?

6 A. Correct.

7 Q. Okay. And do you know what number two is --

8 A. No.

9 Q. -- whether that was there when you were there?

10 A. No. That is not familiar to me.

11 Q. So you only ever worked in the main building --

12 A. That's correct.

13 Q. -- number one, as exhibited on Exhibit 241?

14 A. Correct.

15 Q. Okay. Did you ever take money when people came  
16 to pay for venison?

17 A. Yes, I did.

18 Q. Was there a separate cash register for venison?

19 A. I think so, yes. Yes.

20 Q. And would venison only be checked out on the cash  
21 register separate -- strike that.

22 Can you describe how many cash registers  
23 there were in the main room?

1 A. I remember one cash register when you come in,  
2 where that V was, for the storefront. And I  
3 don't remember the venison register, but -- where  
4 it was, but I know it was a separate one. I  
5 think it may have been at the -- kind of where  
6 this phone is. I don't remember exactly. But  
7 there was a separate register for venison.

8 Q. What were your instructions with regard to using  
9 the separate register?

10 A. Anybody who came for venison pickup, to cash out  
11 using that register.

12 Q. Did it have receipts that would be given to the  
13 customer?

14 A. Yes.

15 Q. And you would just use that register for venison?

16 A. Correct.

17 Q. Okay. And was venison ever paid for by check or  
18 was it cash only?

19 A. I don't remember.

20 Q. Do you recall any advertising or indication that  
21 venison could be paid for by cash only?

22 A. No. No.

23 Q. Were you ever paid separately for wrapping

1       venison?

2       A.   No.

3       Q.   It was all part of your duties at Black Angus  
4       Meat?

5       A.   Correct.

6       Q.   Did you ever have to park anywhere different  
7       during deer season?

8       A.   Not that I remember.

9       Q.   Do you remember a different parking lot across  
10       the street you might have to park on occasion?

11       A.   No.

12       Q.   Okay. When you would work at seven in the  
13       morning, would the butcher, Tommy, be there?

14       A.   Usually, yes.

15       Q.   And was he a person you would be able to go to  
16       with questions?

17       A.   What kind of questions?

18       Q.   Questions regarding your job. If Diane wasn't  
19       there and if -- well, strike that.

20               At seven o'clock in the morning, when you  
21       would go to work, who would be there?

22       A.   Usually, Keegan would be there in the morning, if  
23       I remember correctly.

1 Q. Okay. And would he be someone you would go to?

2 A. Yes.

3 Q. Did you consider him to be management?

4 A. Yes.

5 Q. And if Keegan wasn't there, would you go to  
6 Debbie Negrych with any questions?

7 A. I had no reason to. But I knew if I had to, I  
8 could ask her a question.

9 Q. Was she the deli or front store manager?

10 A. Yes. I would consider her management, yes.

11 Q. Did she ever train you?

12 A. I don't remember.

13 Q. Okay. Did somebody train you?

14 A. Yes.

15 Q. Do you recall an individual by the name of  
16 Patrick Howells or Patrick?

17 A. Yes. I think, if he has red hair.

18 Q. Let me show you Exhibit 264B and ask if you  
19 recognize the two people in that picture?

20 A. Yes.

21 Q. Who is that?

22 A. That's Darcy. And to the right, I'm pretty sure  
23 that's Patrick. I'm assuming. I vaguely

1       remember his face.

2       Q.   Okay.   Do you remember, did you ever work with  
3       him?

4       A.   No, not that I remember.

5       Q.   Do you ever recall him working at Black Angus  
6       Meat?

7       A.   No.   I remember seeing him.   I think he's Tommy's  
8       son.   He would come in and say hi, but I don't  
9       remember him working there.

10      Q.   Do you ever remember any of Tommy's sons working  
11      at Black Angus Meat?

12      A.   I don't know any other sons besides Patrick.

13      Q.   Do you know an individual named Christopher  
14      Howells?

15      A.   No.

16      Q.   Do you know how Patrick Howells was invited to  
17      Darcy Black's wedding?

18      A.   No.

19      Q.   Do you know how she knew him?

20      A.   I imagine through Black Angus, but I don't know  
21      specifically.

22      Q.   And do you know when Darcy got married?

23      A.   No.   I don't know the date.

1 Q. Assume Darcy Black got married on March 21st,  
2 2009. That would have been not long before you  
3 stopped working there --

4 A. Right.

5 Q. -- right?

6 A. Uh-huh.

7 Q. Within approximately a month or less?

8 A. Correct.

9 Q. At that time, how many hours were you working  
10 before you stopped working?

11 A. I don't remember.

12 Q. Okay. And do you know whether Darcy invited  
13 everyone to her wedding from Black Angus Meat?

14 A. I don't remember. I know I attended, and there  
15 was a table and there were employees from Black  
16 Angus. But I don't remember everyone that was  
17 invited.

18 Q. Let me show you Exhibit 264A.

19 A. Okay.

20 Q. Do you recognize anyone in that picture?

21 A. Yes.

22 Q. Who is it?

23 A. Me, dancing. That's myself in the dress and

1           that's Patrick. That's Tommy's son on the right.

2       Q. Is that the person you were dancing with?

3       A. Yes. Yes.

4       Q. Okay. Does that refresh your recollection as to  
5       whether he worked --

6       A. Vaguely. I vaguely remember, yes.

7       Q. Do you recall ever learning that Patrick Howells  
8       was -- or, the person you said is Patrick worked  
9       in construction?

10      A. I don't remember.

11      Q. Do you recall him working in the -- well, strike  
12      that.

13               During the normal workday, would you go into  
14      the back room often? Talking building one, front  
15      room and back room.

16      A. Yes.

17      Q. Would you go into the back room often?

18      A. What's often?

19      Q. Strike that. How often would you go into the  
20      back room during your normal working hours, on a  
21      normal day for you?

22      A. I would say ten to twenty times.

23      Q. Okay.

1 A. In and out.

2 Q. In and out?

3 A. Yes.

4 Q. And during that time, do you ever recall Patrick  
5 Howells being there supplying or helping to fill  
6 the work areas with product?

7 A. I don't remember.

8 Q. Okay. Let me just show you Exhibit 264D. Is  
9 that Patrick Howells?

10 A. Yes. Yes.

11 Q. Okay. Do you know an individual by the name of  
12 William Frase, referred to as Turtle?

13 A. No.

14 Q. Do you recall working with someone by the  
15 nickname of Turtle?

16 A. No.

17 Q. Who do you recall working with at Black Angus  
18 Meat?

19 A. I remember my sister Regina, Darcy, Kim, Keegan.  
20 Of course, Bob and Diane. Debbie, Sean, Jamie  
21 and Rob.

22 Q. Would you say that you spent most of your time up  
23 front?

1 A. Yes.

2 Q. What percent of your time was up front?

3 A. I would say eighty percent of my time was up  
4 front.

5 Q. Were you aware of Jamie having a problem arriving  
6 to work on time?

7 A. No. I don't remember.

8 Q. Was there anything that would help you remember?

9 A. No.

10 Q. Do you remember ever having to be substituted in  
11 the back because someone was late, to do the  
12 wrapping in the back?

13 A. I don't remember.

14 Q. Okay. When you say you don't recall, just so  
15 we're clear, it means it could have happened or  
16 couldn't have happened, you just don't remember?  
17 Is that what you mean by you don't remember?

18 A. I don't recall. I don't remember.

19 Q. Okay. Could there have been more employees,  
20 other than the list you gave us, at Black Angus  
21 Meat while you worked there?

22 A. Yes, I'm sure.

23 Q. But these are the only ones you remember, is that

1 fair to say?

2 A. Yes.

3 Q. And you said you recalled an employee named Sean.

4 A. Yes.

5 Q. Do you know his full name?

6 A. Sean Round.

7 Q. Okay. And what was his job?

8 A. He did the packages for the delivery. He did  
9 delivery. That's what I remember him doing.

10 Q. Do you ever remember him doing the packages?

11 A. Yes, he would do packages as well.

12 Q. Was there a certain table that he worked at?

13 A. No.

14 Q. Do you remember an individual named Mark Leible?

15 If you don't, you don't. If you do --

16 A. No.

17 Q. Do you recall where Darcy worked?

18 A. She worked up front and sometimes she would put  
19 together meat packages in the back.

20 Q. Okay. And do you know where she spent most of  
21 her time?

22 A. I don't know. I want to say putting packages  
23 together in the morning, and then coming up front

1 to customer service.

2 Q. Okay. Do you ever recall her being called to  
3 come up front to help when there was a need?

4 A. I don't remember.

5 Q. You don't remember how that happened?

6 A. No. Usually, when the packages are delivered in  
7 the morning, the delivery goes out, and then we  
8 would go up and work customer service. That's  
9 what I remember.

10 Q. So you wrapped the packages in the front?

11 A. No. We did the packages in the back for the  
12 delivery.

13 Q. So you are saying at seven in the morning you  
14 would go in the back to wrap the packages, if you  
15 came in at seven?

16 A. Yes.

17 Q. Do you know what Darcy's schedule was?

18 A. I don't remember.

19 Q. Okay. Do you know if she spent -- do you know if  
20 she did packages daily, if she started at seven  
21 a.m.?

22 A. That could be true. I don't remember.

23 Q. Okay. And did Sean Round ever make any comments

1 to you that you felt were inappropriate?

2 A. No.

3 Q. Did he ever ask you out?

4 A. No.

5 Q. Did he ever make any comments regarding your  
6 body?

7 A. No.

8 Q. Did anyone ever tell you he made any comments  
9 regarding your body?

10 A. No, not that I remember.

11 Q. Did anyone ever tell you he, in reference to you,  
12 said nice ass?

13 A. No. I don't remember that.

14 Q. Would you find that offensive?

15 A. Yes.

16 Q. Do you have any recollection of arguing with Sean  
17 Round on more than one occasion at Black Angus  
18 Meat?

19 A. No, I don't remember.

20 Q. Do you know any reason why anyone would believe  
21 that you argued with Sean Round?

22 A. No.

23 Q. Did Darcy Black ever tell you that Sean Round

1       made any negative references to your boyfriend --  
2       boyfriend at the time?

3       A.   No, not that I remember.

4       Q.   And I'm going to ask you if you heard these  
5       statements.

6       A.   Uh-huh.

7       Q.   Did you ever discuss with your sister whether any  
8       negative statements were ever made to her?

9       A.   No.

10      Q.   Did anyone ever tell you, when you worked at  
11      Black Angus Meat, that you would be better off  
12      with a white guy?

13      A.   No.

14      Q.   Did anyone at Black Angus Meat ever tell you you  
15      need to be with one of your own kind?

16      A.   No.

17      Q.   Did anyone at Black Angus Meat ever say to you,  
18      what's wrong with white guys?

19      A.   No.

20      Q.   Did anyone at Black Angus Meat ever tell you your  
21      boyfriend was using you for your good credit  
22      score?

23      A.   No.

1 Q. Did anyone ever tell you, at Black Angus Meat,  
2 that your boyfriend was using you for your name  
3 because black men always cheat and he probably  
4 has a lot of girlfriends?

5 A. No.

6 Q. Do you recall any conversation with Sean Round  
7 where he indicated to you that you should not  
8 sign your name to something for your boyfriend?

9 A. No, I don't remember that.

10 Q. Would you have any recollection as to Sean -- why  
11 Sean Round would testify that he had a  
12 conversation with you -- strike that.

13 At any time, did Sean Round ever say to you  
14 that, in his opinion, you deserved somebody  
15 better that would work?

16 A. No.

17 Q. Did you ever discuss your boyfriend -- I just  
18 want to say boyfriend so we know that's on the  
19 record. We will use other people's names so we  
20 know who we are talking about.

21 A. Okay.

22 Q. Did Sean ever indicate to you, or anyone ever  
23 indicate to you, that you deserve better than

1       your boyfriend?

2       A.   No.

3       Q.   Do you have any -- strike that.   Do you know any  
4       reason why Sean Round would testify that he said  
5       to you that you deserve better?

6       A.   I don't remember him saying that to me.

7       Q.   Okay.   Do you recall ever telling anyone that you  
8       were paying for all the financial obligations in  
9       your relationship with your boyfriend?

10      A.   No.

11      Q.   Would there be any reason for Sean Round to  
12      believe that you were taking care of whatever  
13      financial obligations there were?

14      A.   Uh-uh.   No.

15      Q.   Did you ever state to Sean Round that your  
16      boyfriend wasn't working?

17      A.   No.   Not that I remember.

18      Q.   Has your boyfriend worked since high school, as  
19      far as you know?

20      A.   Correct.

21      Q.   Was there ever a time when he wasn't working?

22      A.   No.

23      Q.   Let me read to you from Sean Round's testimony.

1 It was taken on November 20th, 2017.

2 A. Okay.

3 Q. Did you ever discuss Raelean Rush's boyfriend,  
4 who was African-American, with her. Answer, yes.  
5 We are on page one sixty to one sixty-one.

6 Question, could you tell me what you recall  
7 you said. Answer, I said she deserves better.  
8 None of that was based on race. Question, what  
9 did you tell her -- why did you tell her she  
10 deserves better. Answer, she was working hard at  
11 finishing school. He wasn't working. She was.  
12 As far as anyone knew, from what Raelean would  
13 say, she was taking care of whatever their  
14 financial obligations were. It was my opinion  
15 that she deserves somebody better that would  
16 work, that would be more of a fifty/fifty  
17 partner.

18 Again, none of that was racially motivated?

19 A. I don't remember that conversation.

20 Q. Do you remember ever indicating to Sean Round in  
21 any way that your boyfriend was not taking care  
22 of his fair share of financial obligations?

23 A. No.

1 Q. Have you ever indicated that to anyone?

2 A. No.

3 Q. Do you have any -- do you know any reason why he  
4 would believe such a thing?

5 A. I do not know. I don't know.

6 Q. Do you find it offensive that he would think that  
7 of your boyfriend?

8 A. Absolutely.

9 Q. Going on, page one sixty-one. Question -- this,  
10 again, is Sean Round's deposition.

11 And how did you know whether or not the  
12 person she was with. Answer, because she would  
13 tell us. Question, what would she tell you.  
14 Answer, specifically, I can't say. In a general  
15 sense, that he wasn't working. Question, did you  
16 ever meet him. Answer, not officially, no.  
17 Question, okay. What do you mean by not  
18 officially. Answer, he would come into the  
19 store. Question, were you aware that Raelean,  
20 dash, dash, Regina Rush was dating a black man.  
21 Answer, she dated quite a few in my tenure there.  
22 Question, okay. Answer, so yes, I was aware.  
23 Question, okay. And how did you become aware

1           that she was dating black men. Answer, she would  
2           talk about it. Question, okay. And did any  
3           individuals that she dated that were black come  
4           into the store. Answer, I think so. Question,  
5           and did you ever discuss with her dating a black  
6           man. Answer, no.

7                     Did you ever discuss your choice of a  
8           partner with Sean Round?

9   A. No. Not that I remember.

10 Q. Is that something you would normally do?

11 A. No.

12 Q. Did your boyfriend ever come to the store?

13 A. Yes. I think he had come to the store a couple  
14       of times.

15 Q. And did he ever talk to any of the employees in  
16       the store?

17 A. I don't remember.

18 Q. Okay. Do you ever recall Darcy -- did you ever  
19       tell your mother -- strike that.

20                     Do you ever recall telling anyone that Darcy  
21       told you that Sean Round or anyone was making  
22       offensive comments regarding your boyfriend?

23 A. No.

1 Q. Do you ever recall Keegan Roberts asking you if  
2 Sean -- strike that. Do you ever recall Keegan  
3 Roberts asking you if you had any type of  
4 disagreement with Sean Round?

5 A. No.

6 Q. Okay. Let me read you from Keegan Roberts'  
7 testimony taken on January 12, 2018 under oath.

8 A. Okay.

9 Q. Question, did you ever learn -- strike that. At  
10 any time, did you ever become aware of Sean Round  
11 making a comment to Raelean Rush that her  
12 boyfriend, who is an African-American, was using  
13 her for her good credit score and other things.  
14 Answer, when I got the complaint filed with the  
15 EEOC. Question, in the normal -- other than the  
16 complaint at the EEOC, did you ever learn in your  
17 role as an employee or a manager or owner of the  
18 business that Sean Round made a comment to  
19 Raelean Rush about her boyfriend using her for a  
20 good credit score and other things. Answer, no.  
21 I was aware there was a fight between Sean Round  
22 and Raelean Rush. Question, do you believe Sean  
23 Round made a comment to Raelean Rush about her

1        boyfriend using her for a good credit score.

2        Answer, no.    Question, why don't you believe it.

3        Answer, because we don't do that.    You know, the  
4        best man in his wedding was African-American.

5        I'm sure Keshawn has got just a fine credit

6        score.    Question, would there be any reason for

7        Robert Seibert or Diane Seibert to state to the

8        EEOC that Sean did make a comment to Raelean

9        about her boyfriend using her for her a good

10       credit and other things, if it wasn't true.    Can

11       you repeat it.    Witness, I guess you'd have to

12       ask them.

13                Question, did you ever tell Sean Round that

14       it was inappropriate in the workplace for him to

15       make comments to Raelean Rush about her boyfriend

16       using her good credit score and other things.

17       Answer, I made a comment to Sean after I found

18       out an incident between Raelean and Sean, where

19       they had a fight out in the front.    I was

20       informed by another employee that there was a

21       fight between Raelean and Sean, so I went and

22       first, I found Raelean.    Okay.    And I asked

23       Raelean, I said, I heard that something occurred

1 last night. Can you tell me what happened. And  
2 Raelean told me it was nothing, it's just Sean  
3 being Sean or being stupid. I said well, can you  
4 tell me what happened. She said no, it's  
5 nothing. It's over. It's fine. I said to  
6 Raelean, are you okay. She said yes, it's no big  
7 deal. I said I'm going to talk to Sean anyway.  
8 She said you don't have to, it's no big deal. So  
9 then I went and I talked to Sean, and I said I  
10 heard there was an incident between you and  
11 Raelean last night. What happened. He said it  
12 was nothing. It was stupid. He said, you know,  
13 I probably shouldn't have started a fight with  
14 her. I said what happened. He said it was  
15 really nothing. It was stupid. I, meaning  
16 Keegan, said so you started a fight with her.  
17 She's telling me it's nothing, I said. But you  
18 instigated a problem with another employee. I  
19 said we can't have that. We need to work  
20 together here. I said also, you started a fight  
21 up front in front of my customers and I have to  
22 hear it from another employee about this. I said  
23 it's unacceptable. I said I want you to

1 apologize to Raelean and I don't want this to  
2 ever happen again. That was the end of it.

3 Does that refresh your recollection?

4 A. I don't remember. I don't remember.

5 Q. Okay. Do you remember Sean ever apologizing to  
6 you for any comments he made?

7 A. No, I don't.

8 Q. Do you recall ever having to ask Diane to leave  
9 work early to be able to go to city hall to get a  
10 permit for a plowing contract?

11 A. I don't remember.

12 Q. Did you ever have to go to city hall to get a  
13 permit for a plowing contract?

14 A. Yes.

15 Q. And did you ever discuss that at work?

16 A. Not that I remember, no.

17 Q. Okay. And I don't know if I asked this. Do you  
18 ever recall Darcy Black telling you comments that  
19 were made regarding you?

20 A. No.

21 Q. Do you ever recall Sean Round whispering, saying  
22 things in your ear, and you getting annoyed and  
23 walking away?

1 A. No, I don't remember.

2 Q. Did you ever hear anyone at Black Angus Meat  
3 refer to anyone as nigs?

4 A. No.

5 Q. Bob's nigs. Would you agree with me that if an  
6 employee referred to Black Angus Meat  
7 African-American customers as Bob's nigs, that  
8 that would be offensive?

9 A. That would be offensive, yes.

10 Q. And if you heard that, what, if anything, would  
11 you have done?

12 A. I would have reported it to Diane.

13 Q. Do you ever recall telling anyone that Sean was  
14 Diane and Rob's golden boy?

15 A. No.

16 Q. Do you ever recall anyone, in reference to  
17 African-American employees, saying they have nice  
18 cars and get food stamps?

19 A. No.

20 Q. Have you ever heard anyone, relative to  
21 African-American employees, saying that they have  
22 nice clothes and get food stamps?

23 A. No.

1 Q. Meaning in a negative reference.

2 A. Right.

3 Q. Were you ever instructed at Black Angus Meat, in  
4 these or similar words, you can talk about the  
5 weather and sports, this is no soap opera, leave  
6 your personal drama at home?

7 A. I remember Bob saying the weather and sports,  
8 let's talk about weather and sports. I don't  
9 remember the other part.

10 Q. Did he ever say that to you?

11 A. As a group. As a group. I was part of the  
12 group.

13 Q. Do you know why he said that?

14 A. Probably to keep -- to stay focused on the  
15 business and when customers come in, you know,  
16 that's what we would be talking about.

17 Q. Were any jokes ever told in the store?

18 A. Not that I remember.

19 Q. Okay. Were African-American customers ever  
20 referred to in any way -- in any type of way at  
21 Black Angus Meat?

22 A. No.

23 Q. Did you ever hear of inner-city customers?

1 A. No.

2 Q. Did you ever hear anyone say, does the carpet  
3 match the drapes?

4 A. No.

5 Q. Do you know what that means?

6 A. Does the carpet match the drapes? Is that  
7 referring to someone's pubic hair?

8 Q. Yes.

9 A. Yes, I've heard of it, but not at Black Angus.

10 Q. Would you find that statement to be offensive, if  
11 someone said that to a woman?

12 A. Yes.

13 Q. Would you find that ever to be appropriate in a  
14 workplace?

15 A. No.

16 Q. If a male employee at Black Angus looked at a  
17 woman and said -- customer or otherwise, and said  
18 oh, look at that cleavage, would that be  
19 appropriate at work?

20 A. No.

21 Q. Would you find that offensive, as a woman?

22 A. Yes.

23 Q. If an employee at Black Angus Meat said to others

1 while working, in reference to a woman's breasts,  
2 your headlights are on, would you find that to be  
3 offensive?

4 A. Yes.

5 Q. If a male at Black Angus Meat referred to any  
6 female, she's got a nice ass, would that be  
7 offensive?

8 A. Yes.

9 Q. Would it ever be appropriate in the workplace?

10 A. No.

11 Q. Did you ever hear that -- from Darcy or anyone,  
12 that her children were referred to in an  
13 offensive term by anybody at Black Angus Meat?

14 A. No.

15 Q. Do you recall Darcy Black calling you the day she  
16 was fired, the day she left work?

17 A. I don't remember, no.

18 Q. Do you recall her contacting you on her way --  
19 actually, on her way as she left the building,  
20 and telling you that Jamie Lapress had referred  
21 to her children as niggers?

22 A. No, I don't remember that.

23 Q. Would it ever be appropriate -- well, first, have

1           you ever met Darcy Black's children?

2   A.   Yes, I have.

3   Q.   Okay. And what is their race, if you know?

4   A.   I think they are biracial.

5   Q.   Okay. And have you ever babysat them?

6   A.   No. Not that I remember, no.

7   Q.   Do you recall ever giving Darcy Black a Christmas  
8       gift which was when you and your sister would  
9       babysit for her?

10  A.   I don't remember. I don't remember.

11  Q.   Okay. And did you ever socialize in any way with  
12       Darcy Black?

13  A.   Yes. At work.

14  Q.   Did you ever socialize out of work?

15  A.   I remember one time going over her house for  
16       something, a birthday party or something. That's  
17       the only occasion I remember.

18  Q.   Okay. Do you recall ever giving a bachelorette  
19       for Darcy Black?

20  A.   Oh, yes. Yes. Yes, I did.

21  Q.   Where was that?

22  A.   That was at my apartment at the time, at 288  
23       Sundridge, I remember.

1 Q. Did Darcy Black ever complain to you about how  
2 she was treated at Black Angus Meat?

3 A. No.

4 Q. Did you ever see Darcy Black cry at work?

5 A. No.

6 Q. Do you know an individual -- do you remember an  
7 individual by the name of Jamie that worked at  
8 Black Angus Meat?

9 A. Yes.

10 Q. Do you recall any reference to him smoking  
11 marijuana --

12 A. No.

13 Q. -- while at work?

14 A. No.

15 Q. Would you agree with me that if Keegan Roberts  
16 was present when derogatory comments or offensive  
17 comments were made, that, as a manager, he should  
18 have taken action?

19 A. As a manager, if that happened, yes, he should  
20 take action.

21 Q. Would you agree with me that if he was present,  
22 there would be no reason to report the conduct  
23 because he's management and that's who you would

1 report the conduct to, if you know?

2 A. I don't know. I think I would still go to Bob  
3 and Diane as the owner.

4 Q. And if you complained to Bob and Diane that  
5 either your boyfriend was referred to in an  
6 offensive manner or Miss Black's children were  
7 referred to in an offensive manner and, in Miss  
8 Black's case, referred to as niggers, would you  
9 expect Bob and Diane to take action?

10 A. Yes.

11 Q. What would you expect them to do?

12 A. Whatever their policy is for disciplinary action  
13 for that offense.

14 Q. Did you ever get a copy of the policy about  
15 disciplinary action?

16 A. Not that I remember, no.

17 Q. Were you ever trained as to what the disciplinary  
18 action would be? Were you ever trained in any  
19 way regarding discipline at Black Angus Meat?

20 A. No.

21 Q. Were you given any materials about discipline at  
22 Black Angus Meat?

23 A. No.

1 Q. Were you ever aware of anyone being disciplined  
2 for anything at Black Angus Meat?

3 A. Not that I recall, no. Uh-uh.

4 Q. Did you ever tell anyone that you were friends  
5 with Darcy Black because -- strike that. Did you  
6 ever believe that Darcy Black was a friend with  
7 you because you were dating someone who was  
8 African-American?

9 A. No.

10 Q. If someone said that, would you find that  
11 offensive?

12 A. Yes, that's offensive.

13 Q. Were you ever friends with Darcy Black because  
14 she had children whose father is  
15 African-American?

16 A. No.

17 Q. If someone said you were friends with her because  
18 you can relate to her because she had children  
19 with an African-American male, would you find  
20 that offensive?

21 A. Yes.

22 Q. Let me show you what's been marked as Exhibit  
23 211, which is a statement that was written to the

1 EEOC, that's the discrimination agency, the  
2 federal agency that you make a complaint to, by  
3 Robert Seibert and Diane Seibert relative to  
4 Darcy's complaint.

5 A. Uh-huh.

6 Q. Okay. So let me show it to you. If you can flip  
7 to the back page, so you can see I'm telling the  
8 truth about their signatures.

9 A. Okay.

10 Q. Let me show you now -- I would like you to read a  
11 paragraph.

12 A. Okay.

13 Q. I would like you to read along with me starting  
14 there. We are quoting now from Exhibit 211, with  
15 specific reference to the fourth page, first full  
16 paragraph. States Raelean Rush and Regina Rush  
17 were both college students who worked for us for  
18 several years. They both had terrific, bubbly  
19 personalities and the customers loved them. Both  
20 dated African-Americans and Darcy felt a  
21 connection to them because their children were  
22 biracial. Sean did make a comment to Raelean  
23 about her boyfriend using her for her good credit

1       scores and other things. Raelean had no trouble  
2       telling Sean to mind his own business. Keegan  
3       told Sean the conversation was inappropriate for  
4       the workplace and he didn't want to hear any  
5       more.

6               Does that refresh your recollection?

7   A.   I mean, if there was something said by Sean, and  
8       I remembered just ending it there. I don't  
9       remember much, though.

10   Q.   No. Do you remember that? Just because it's  
11       written, doesn't mean it happened. I want to  
12       know your recollection.

13   A.   Right.

14   Q.   Do you remember, now, Sean saying anything to you  
15       inappropriate or offensive?

16   A.   If Sean said something --

17   Q.   Not if. Do you remember him saying something  
18       inappropriate or offensive to you?

19   A.   I don't remember exactly what he said, but there  
20       was a comment. But I don't remember exactly what  
21       was said.

22   Q.   How do you know there was a comment? How do you  
23       remember that now, but not before?

1 A. Because I'm trying to think of things that --  
2 because when you first asked me if I ever got  
3 into a fight, I never got into a fight with any  
4 employee. But at that point, I do remember Sean  
5 making a comment to me about my boyfriend, but I  
6 don't remember the comment. I remember telling  
7 him -- I don't remember. I don't remember what  
8 happened.

9 Q. Do you think it was any of his business -- well,  
10 do you recall the comment being about you using  
11 your credit rating to do something for your  
12 boyfriend?

13 A. No. I don't remember that being the comment, no.

14 Q. What do you remember about the comment?

15 A. I remember that it was about my boyfriend. I  
16 remember it was about my boyfriend. I don't know  
17 remember what exactly it was.

18 Q. Was there anything that would help you remember  
19 what he said about your boyfriend?

20 A. No.

21 Q. Was it offensive to you?

22 A. Yes.

23 Q. Do you believe that it was based on his race --

1       your boyfriend's race, the comment he made was  
2       based on his race?

3     A.   I don't remember.

4     Q.   If, in fact, he said that your boyfriend was  
5       using you for your good credit score --

6     A.   Uh-huh.

7     Q.   -- and you said you never discussed your finances  
8       with him --

9     A.   Right.

10    Q.   -- would you agree with me that was an assumption  
11       based on your boyfriend's race?

12    A.   That would be -- that's hard to tell.   I can't  
13       answer that, based off of that.

14    Q.   Why else -- can you tell me why he would think he  
15       would make a comment that your boyfriend was  
16       using you for your credit rating --

17    A.   No.

18    Q.   -- if he made that comment?

19    A.   Right.

20    Q.   But you don't remember the comments he did make?

21    A.   Right.

22    Q.   Do you know if he made comments to other people  
23       regarding your boyfriend?

1 A. No.

2 Q. Do you think that if he made comments in your  
3 presence about the credit rating -- well, strike  
4 that.

5 Would you agree with me that someone else  
6 could be offended if he made negative comments  
7 about your boyfriend relative to his credit  
8 rating and you?

9 A. Yes.

10 Q. And did you ever think at any time that the  
11 comments he made about your boyfriend, in doing  
12 so, he was stereotyping?

13 A. If that was the comment. I don't know the  
14 comment.

15 Q. But if that was the comment --

16 A. Yes.

17 Q. -- would you be concerned he was stereotyping?

18 A. Yes.

19 Q. Tell me what you mean by that.

20 A. By stereotyping -- by saying using good credit,  
21 that's stereotypical of black, you know,  
22 stereotype that's out there, that they would use  
23 girlfriends for their credit score.

1 Q. Would you find that offensive?

2 A. Yes, that would be offensive.

3 Q. But do you recall if that was the comment that  
4 Sean made to you?

5 A. No.

6 Q. Can you think of anything being more offensive  
7 than having a white employee refer to Darcy  
8 Black's children as niggers?

9 A. No.

10 Q. In your opinion, was that -- the use of that word  
11 be -- strike that. That word, in and of itself,  
12 do you find it offensive?

13 A. Yes.

14 Q. Tell me why.

15 A. Because it's racist to the black race.

16 Q. And if Darcy, who is a white mom, had children  
17 with an African-American father, would that also  
18 be racist relative to her referring to her  
19 children in that way?

20 A. Yes.

21 Q. When you were hired, were you ever informed you  
22 could not request time off for the first twelve  
23 days of the month or on Saturdays?

1 A. No. I remember Saturdays being our busiest day,  
2 though. I remember that.

3 Q. Okay. Did you -- when you were employed at Black  
4 Angus Meat, was there ever anyone that was Middle  
5 Eastern that was employed there?

6 A. Not that I remember.

7 Q. Okay. Did you ever hand out flyers for Black  
8 Angus Meat?

9 A. Not that I remember.

10 Q. Do you think you would have been able to do so?

11 A. Yes.

12 Q. Do you think that that is something you would  
13 have to be trained to do?

14 A. Yes. Training is a part of another duty, but I  
15 think it would be an easy training.

16 Q. Based on your experience, you think it's  
17 something you are more than capable of doing?

18 A. Correct. And where to go.

19 Q. And do you have any recollection -- I'm sorry if  
20 I asked you this. I don't remember. Do you have  
21 any recollection of an individual named Mike  
22 Leible?

23 A. No.

1 Q. I think I asked you. Jamie Lapress?

2 A. Yes.

3 Q. Can you tell me your recollection of him, in  
4 general?

5 A. Jamie was our janitor, our custodian. He cleaned  
6 for Black Angus. He would close the shop every  
7 night.

8 Q. Anything else you remember about him?

9 A. No. Good guy, I remember.

10 Q. Do you recall if Sean Round was hired before or  
11 after you?

12 A. I don't remember.

13 Q. Okay. Do you ever recall having a complaint that  
14 you were not allowed breaks for lunch at Black  
15 Angus Meat?

16 A. No.

17 Q. Do you recall meeting with Keegan Roberts, your  
18 sister Regina, Darcy, and possibly, one or more  
19 other people to complain that you were not being  
20 allowed a lunch break?

21 A. No.

22 Q. Do you recall punching in and punching out for  
23 your breaks?

1 A. Yes. We wrote them down for the time clock, too.

2 Q. Did that happen when you first went there?

3 A. As far as I remember.

4 Q. Do you recall anyone complaining that Black Angus  
5 Meat was in violation of law because it did not  
6 allow its employees to have a thirty-minute  
7 lunch?

8 A. No.

9 Q. Do you recall them setting up -- agreeing and  
10 then allowing -- strike that. Were you allowed  
11 to take breaks with anyone else, lunch breaks?

12 A. I don't remember.

13 Q. Did you get a lunch break?

14 A. Yes.

15 Q. Do you know if you got it the whole time you were  
16 there?

17 A. Yes. I had a lunch all the time.

18 Q. Did you get two breaks and a lunch the whole  
19 time?

20 A. I think I remember in a full shift, I got two  
21 fifteen-minute breaks and a lunch break.

22 Q. What I'm asking, when you first started working  
23 there --

1 A. Uh-huh.

2 Q. -- do you have any recollection of meeting with  
3 Keegan Roberts regarding any problem with  
4 utilizing and getting a state-mandated break?

5 A. No.

6 Q. Do you know if -- strike that. Did you ever  
7 observe how Keegan Roberts treated Darcy Black?

8 A. I was there during interactions, yes. I saw them  
9 work together.

10 Q. Were you ever there during any interactions with  
11 Robert Seibert and Darcy Black?

12 A. Yes.

13 Q. Did Darcy Black ever complain to you about how  
14 Robert Seibert treated her?

15 A. No.

16 Q. You don't recall or you know for sure?

17 A. I know for sure I don't remember.

18 Q. Do you ever recall seeing Darcy Black cry at  
19 work?

20 A. I do remember that. You asked me that first. I  
21 do remember her crying after a phone call she  
22 received. I don't remember what the call was  
23 about. I think it might have been about her

1 kids.

2 Q. Do you ever recall having to cover for her at  
3 work so she could run to the ladies' room because  
4 she was upset for how she was treated by any  
5 employee, whether it was a manager or not at  
6 Black Angus Meat?

7 A. No.

8 Q. Did your sister have any complaints regarding her  
9 work at Black Angus Meat, that you were aware of?

10 A. Not that I'm aware of.

11 Q. Did you ever speak to your mother about Darcy  
12 Black and her lawsuit?

13 A. No.

14 Q. Do you recall ever telling your mother that Darcy  
15 Black contacted you after she was terminated,  
16 right after she was terminated, asking if you  
17 would be a witness in her lawsuit?

18 A. I don't remember.

19 Q. Let me refer again to Exhibit 211, second  
20 paragraph to the bottom. I'll read it for you.  
21 Again, this is a statement that was signed and  
22 written by Robert and Diane Seibert. It says  
23 it's a feeling at Black Angus Meat Angus that the

1       only one with a black and white issue was Darcy.  
2       She left her resignation letter on Diane's desk  
3       the day after Bob and Diane left for vacation.  
4       She didn't want to face those that treated her  
5       like family. She had even commented on how she  
6       was treated as family. She then proceeded to  
7       call Raelean Rush to ask if she would corroborate  
8       Darcy's allegations, but Raelean refused.  
9       Raelean's mother called Diane to let her know.  
10      After the resignation letter, Darcy was informed  
11      she did not need to complete her two weeks'  
12      notice and was paid her vacation.

13               Does that help you remember Darcy calling  
14      you after she had given her two weeks' notice and  
15      they told her to leave?

16   A. No. I don't remember.

17   Q. Do you ever recall speaking to your mother about  
18      it?

19   A. No.

20   Q. If you spoke to your mother, would you have  
21      expected her to call Diane about it?

22   A. Yeah, definitely.

23   Q. They are that close?

1 A. If she knew, yes.

2 Q. But you have no recollection of Darcy calling  
3 you?

4 A. No.

5 Q. No recollection of her telling you how Jamie  
6 Lapress referred to her children?

7 A. No.

8 Q. Do you ever recall her telling you that Bob  
9 Seibert told her -- do you ever recall her  
10 telling you -- strike that.

11 Do you ever recall her describing an  
12 incident to you where, on or about May 15, 2010,  
13 Mr. Lapress needed a key for the paper towel  
14 holder by the sink in the deli? He asked Miss  
15 Black if she could break into it. When she said  
16 no, Mr. Lapress said you have two black kids, so  
17 you must know how. Miss Black told him that her  
18 children do not steal, they don't break into  
19 stuff. And she asked him why he would say that.  
20 He replied because they are niggers.

21 Did you ever learn that?

22 A. No.

23 Q. If you heard him say that to Darcy, would you be

1           offended?

2       A.   Yes.

3       Q.   On Saturday, May 22, 2010, Miss Black could no  
4           longer face the environment, so she tendered a  
5           letter of resignation addressed to Defendant  
6           Robert Seibert and put it on Diane Seibert's desk  
7           at the end of the day, giving her two weeks'  
8           notice.

9       MS. O'BRIEN: I'm sorry. Is this an exhibit number?

10      MS. GRECO: Let me ask if she recalls. She said she  
11           didn't remember her conversation.

12      BY MS. GRECO:

13      Q.   I'm trying to see if this at all refreshes your  
14           memory.

15      A.   No.

16      Q.   And do -- at any time, do you have any  
17           recollection of Darcy Black telling you that when  
18           Mr. Seibert called her into the office regarding  
19           her letter of resignation, that he said he  
20           accepted it and told her stuff like, this happens  
21           all the time?

22      A.   No.

23      Q.   Do you ever recall that?

1 A. No.

2 Q. Do you recall her indicating to you that she  
3 asked him if it was okay for Mr. Lapress to refer  
4 to her children as niggers, and him responding it  
5 happens in sports and politics and she had to  
6 deal with it?

7 A. No, I didn't know that.

8 Q. Does that at all refresh your recollection?

9 A. No.

10 Q. Did Miss Black ever tell you that she was  
11 uncomfortable working around Mr. Lapress because  
12 of his comments?

13 A. No.

14 Q. Did Miss Black ever tell you that Robert Seibert  
15 told her in response, he was uncomfortable with  
16 the situation and she could leave right now?

17 A. No.

18 Q. Would there be any reason you would believe Jamie  
19 Lapress -- strike that. Having worked with both  
20 Jamie Lapress and Darcy Black, would there be any  
21 reason you would believe Jamie Lapress and  
22 disbelieve Darcy Black?

23 A. No.

1 Q. Did Darcy ever, in working with you for the  
2 number of years she did, indicate to you, in any  
3 way, that she was the type of person that would  
4 tell a lie?

5 A. No.

6 Q. Did you always find her to be straightforward and  
7 honest?

8 A. Yes.

9 Q. And if she had told you that Jamie Lapress  
10 referred to her children as niggers, would you  
11 have believed her?

12 A. Yeah, I would have believed her.

13 Q. Do you know any reason why Robert Seibert would  
14 not believe her?

15 A. No.

16 Q. Do you know any reason why Diane Seibert would  
17 not believe her?

18 A. No.

19 Q. Do you know any reason why Keegan Roberts would  
20 not believe her?

21 A. No.

22 Q. If I told you that Jamie Lapress testified under  
23 oath that he frequently was late to work, would

1           you have any reason to disbelieve that?

2       A.   No.

3       Q.   Would you have any concern being frequently late  
4           for work when you worked at Black Angus Meat?

5       A.   I'm sorry.   Could you repeat the question?

6       Q.   Would you have any concern about being frequently  
7           late at arriving at your job at Black Angus Meat,  
8           when you worked there?

9       A.   Me arriving late?   No.

10      Q.   Let me reask that.   If you were to arrive late at  
11          work, say four or five times, would you be  
12          concerned about that?

13      A.   Yes.

14      Q.   Why?

15      A.   Arrive -- because punctuality is part of a job.

16      Q.   Okay.   And do you have any knowledge of someone  
17          being late many, many times and Black Angus Meat  
18          taking no action against them?

19      A.   No.

20      Q.   Would it be your feeling that if, in fact, an  
21          individual was repeatedly late, action should be  
22          taken against them?

23      A.   Yes.

1 Q. If action was not taken, what would that make you  
2 believe?

3 A. That everyone isn't held to the same standard.  
4 Everyone needs to be on time. Everyone needs to  
5 be on time.

6 MS. GRECO: Can we take a break? I have to caution  
7 you, during a deposition, you can't speak to  
8 anyone regarding your testimony. After your  
9 testimony, you can speak all you want, but just  
10 during the deposition. Okay?

11 THE WITNESS: I understand.

12 (Whereupon, a short recess was then taken.)

13 BY MS. GRECO:

14 Q. Do you recall one year at Black Angus Meat when  
15 you were going to do secret Santa, when you and  
16 Darcy, and maybe somebody else, decided to set up  
17 secret Santa?

18 A. Vaguely. I remember vaguely.

19 Q. Do you recall putting up a list with people's  
20 names on it and someone crossing off Darcy's name  
21 and writing not Darcy?

22 A. No.

23 Q. Do you recall trying to find -- you don't recall

1           that?

2       A.   No.

3       Q.   Do you recall finding out who had done that?

4       A.   No.

5       Q.   Do you know if your sister was ever involved in  
6           finding out who did that?

7       A.   No.

8       Q.   Do you recall if anyone determined it was Jamie  
9           Lapress that had done it?

10      A.   No.

11      Q.   Do you recall an individual by the name of Katie  
12          Bidell, Sean's girlfriend?

13      A.   I remember Sean Round. I remember he had a  
14          girlfriend. I don't remember her name, but I  
15          know she played volleyball. I remember she was  
16          tall, dark hair. That's what I remember.

17      Q.   Did she wrap deer meat with you?

18      A.   I don't remember that, no.

19      Q.   Do you ever remember her working at all during  
20          deer season?

21      A.   No.

22      Q.   Were the deer wrapping stations right off the  
23          employee door hallway, as you enter the employee

1 entrance?

2 A. Yes.

3 Q. Do you ever recall Darcy Black telling you to go  
4 to Diane to make a complaint about Sean harassing  
5 you and making inappropriate comments to you?

6 A. No.

7 Q. Were you ever aware of Darcy Black making  
8 homemade macaroni and cheese at Black Angus Meat,  
9 for the counter?

10 A. No.

11 Q. Did you ever make anything?

12 A. Not that I remember, no. Debbie made all the  
13 salads, I remember.

14 Q. Were you ever aware of Bob Seibert giving away  
15 meat?

16 A. No.

17 Q. Do you ever recall packing boxes to give to any  
18 type of meat inspectors?

19 A. No.

20 Q. When you were -- for the individuals who were  
21 wrapping -- individuals that worked in the pack  
22 room, did they wrap meat?

23 A. Not at the same time, but usually -- sometimes

1       some people would wrap, yes. If they would  
2       package deliveries -- I know I was one of them.  
3       I did deliveries and I wrapped meat.

4   Q. Do you think you should have been paid the same  
5       rate as males that were doing similar functions  
6       to you?

7   A. Yeah. Yes.

8   Q. Do you know if you were?

9   A. No.

10   Q. No, meaning you don't know?

11   A. No, I don't know.

12   Q. Do you ever recall asking Patrick to help you  
13       reach things out of the freezer?

14   A. No.

15   Q. Do you recall Darcy Black telling you Patrick  
16       wanted you -- her to ask you if he would dance  
17       with her at her wedding -- Darcy's wedding?

18   A. No, I don't remember.

19   Q. Do you know anyone who was paid with cash at  
20       Black Angus Meat?

21   A. No.

22   Q. When you say you don't know, that means to your  
23       knowledge?

1 A. Right.

2 Q. Okay. When you were employed at Black Angus  
3 Meat, was Nicole Seibert employed there?

4 A. I think so, yes. I think we overlapped for some  
5 time, yes.

6 Q. Was there any policy about taking breaks at Black  
7 Angus Meat for the people in the pack room?

8 A. The same as -- when you say policy, you mean a  
9 sheet of paper that was given to me or policy  
10 of --

11 Q. Sheet of paper that was given to you.

12 A. No.

13 Q. Do you know if the males in the back clocked in  
14 and out for their breaks?

15 A. No, I don't know.

16 Q. Were you told you had to clock in and out for  
17 your break?

18 A. Yes.

19 Q. Who told you that?

20 A. Diane.

21 Q. What did she tell you?

22 A. She said you had to write down when you sign out  
23 for your break and when you come back in, on your

1 time card.

2 Q. Do you have any knowledge of whether or not males  
3 did that at Black Angus Meat?

4 A. No.

5 Q. Jamie Lapress, for example?

6 A. No.

7 Q. Do you believe they should have to follow the  
8 same rules?

9 A. Yes.

10 Q. How would you get time off at Black Angus Meat?

11 A. I would request any time off with Diane.

12 Q. Was there a calendar you would have to request --  
13 write your request on or how would you do that?

14 A. I don't remember. I think I just went in  
15 verbally and just asked for time, certain days  
16 off that I needed or time.

17 Q. Were you ever not granted a request?

18 A. No, not that I remember.

19 Q. If you wanted off on Saturday, would they give it  
20 to you?

21 A. I don't remember. I don't remember. I imagine  
22 so, because my games were on Saturdays. But  
23 yeah -- I don't know. I don't remember.

1 Q. Do you recall Darcy Black wanting to be off one  
2 Saturday a month to be with her children?

3 A. No.

4 Q. Do you know if she was given Saturdays off --

5 A. No.

6 Q. -- upon request?

7 A. No.

8 Q. Meaning you don't know?

9 A. Meaning I don't know.

10 Q. Okay. Did you ever hear Jamie Lapress -- strike  
11 that. Did you ever hear anyone say that Bob  
12 Seibert said that his nigs were dirtying up the  
13 parking lot?

14 A. No.

15 Q. Was -- to the best of your knowledge, was Darcy  
16 always to work on time?

17 A. Yes. I remember that.

18 Q. To the best of your knowledge, did Darcy treat  
19 everyone the same and with respect?

20 A. Yes.

21 Q. I don't know if I asked you this. Did you ever  
22 hear of a person referred to as Turtle?

23 A. No.

1 Q. Do you ever hear of an individual named Matt  
2 Marshall?

3 A. No.

4 Q. Were you ever aware if Darcy -- strike that.  
5 Were you aware of Darcy Black -- strike that.

6 Were you allowed to bring your cell phone to  
7 the workplace?

8 A. No.

9 Q. Do you know any males who utilized their cell  
10 phone during working hours?

11 A. I don't remember.

12 Q. Did you ever consider, at any time, that Sean  
13 Round was jealous of your boyfriend?

14 A. Just probably when he made the comment, yes.

15 Q. Okay. The comment you are telling us about?

16 A. Yes.

17 Q. But other than that, that's the only comment you  
18 recall?

19 A. Right.

20 Q. If an employee referred to your children as  
21 niggers and the employer did not discharge or  
22 discipline them, would you stay at that  
23 employment?

1 A. No.

2 MS. GRECO: I have no further questions.

3 MS. O'BRIEN: I have no questions.

4 BY MS. GRECO:

5 Q. Just one more. Sorry.

6 Did you ever speak to anyone from -- any  
7 lawyer on behalf of the Defendant, not just  
8 counsel that's present, but anybody else?

9 A. No.

10 MS. GRECO: Okay. No further questions.

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1 I HEREBY CERTIFY that I have read the  
2 foregoing 128 pages and that, except as to those  
3 changes set forth in the attached errata form(s),  
4 they are a true and accurate transcript of the  
5 testimony given by me in the above-entitled  
6 action on May 20, 2019.

7  
8  
9  
10 -----  
11 RAELEAN MCGEE  
12  
13

14 Sworn to before me this

15  
16 ----- day of ----- 2019.  
17

18  
19 -----  
20 Notary Public.  
21  
22  
23

1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4  
5 I, Mary Ann Moretta, a Notary Public in and  
6 for the State of New York, County of Erie, DO  
7 HEREBY CERTIFY that the testimony of RAELEAN  
8 McGEE was taken down by me in a verbatim manner  
9 by means of Machine Shorthand, on May 20, 2019.  
10 That the testimony was then reduced into writing  
11 under my direction. That the testimony was taken  
12 to be used in the above-entitled action. That  
13 the said deponent, before examination, was duly  
14 sworn by me to testify to the truth, the whole  
15 truth and nothing but the truth, relative to said  
16 action.

17 I further CERTIFY that the above-described  
18 transcript constitutes a true and accurate and  
19 complete transcript of the testimony.  
20

21 -----  
22 MARY ANN MORETTA,  
23 Notary Public.



Raelean McGee

2

<p><b>anyway</b> <sup>[1]</sup> - 93:7</p> <p><b>apartment</b> <sup>[1]</sup> - 99:22</p> <p><b>apologize</b> <sup>[1]</sup> - 94:1</p> <p><b>apologizing</b> <sup>[1]</sup> - 94:5</p> <p><b>APPEARANCES</b> <sup>[1]</sup> - 3:1</p> <p><b>Appearing</b> <sup>[2]</sup> - 3:5, 3:8</p> <p><b>application</b> <sup>[22]</sup> - 14:21, 38:20, 38:23, 41:2, 41:8, 41:10, 41:14, 42:8, 42:12, 43:23, 61:19, 61:23, 62:1, 62:3, 62:5, 62:6, 63:9, 63:11, 64:11, 64:15, 64:18, 64:20</p> <p><b>applications</b> <sup>[2]</sup> - 61:17, 62:9</p> <p><b>applied</b> <sup>[1]</sup> - 40:17</p> <p><b>applying</b> <sup>[2]</sup> - 21:7, 42:6</p> <p><b>appropriate</b> <sup>[4]</sup> - 97:13, 97:19, 98:9, 98:23</p> <p><b>April</b> <sup>[2]</sup> - 57:15, 58:11</p> <p><b>area</b> <sup>[4]</sup> - 59:20, 67:23, 68:3, 72:18</p> <p><b>areas</b> <sup>[1]</sup> - 80:6</p> <p><b>argued</b> <sup>[1]</sup> - 84:21</p> <p><b>arguing</b> <sup>[1]</sup> - 84:16</p> <p><b>arrangement</b> <sup>[1]</sup> - 33:19</p> <p><b>arrive</b> <sup>[2]</sup> - 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